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1875.

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E A S T J E R S E Y

U N D E R T H E

P R O P R I E T A R Y G O V E R N M E N T S .





EAST JERSEY

UNDER THE
PROPRIETARY GOVERNMENTS:

A
NARRATIVE OF EVENTS CONNECTED WITH THE SETTLEMENT
AND PROGRESS OF THE PROVINCE, UNTIL THE
SURRENDER OF THE GOVERNMENT
TO THE CROWN IN
1703.

DRAWN PRINCIPALLY FROM ORIGINAL SOURCES.

BY WILLIAM A. WHITEHEAD.

WITH
AN APPENDIX,

CONTAINING
"THE MODEL OF THE GOVERNMENT ON EAST NEW-JERSEY, IN AMERICA,"
BY GEORGE SCOT, OF PITLOCHIE.
REPRINTED FROM THE ORIGINAL EDITION OF 1685.

Second Edition Revised and Enlarged.

NEWARK, N. J.:
MARTIN R. DENNIS.
1875.

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FROM THE PREFACE

TO THE FIRST EDITION.

THE following work was undertaken by the Author, solely for his own use while prosecuting inquiries relating to a portion of East Jersey, the fact becoming soon apparent that the general histories of Smith and Gordon, and other works referring to New Jersey, did not contain that minute information which seemed necessary for the proper elucidation of many important periods in our early history. As its title indicates, it is a simple narration of events, bearing upon the settlement and growth of the province of East Jersey, which for most of the time previous to 1703, not only had a different government, but in almost every other respect was separate and distinct from West Jersey. It is submitted to the public, at the request of the New Jersey Historical Society, rather as furnishing materials for history, than as being in itself complete.

* * * * The general historian must gather his facts from the details of local annals, and in pro-



portion as they are wanting must his labors be imperfect. In New Jersey researches of that kind have been few, and the Author, in consequence, has retained many dates and minor circumstances, connected with the settlement of the several towns, which would otherwise have been excluded; thereby, probably, marring the interest of his book to the general reader by giving it too precise a character, but contributing he trusts to its value in the estimation of the student of our history. The dates are generally given in accordance with the present mode of commencing the year with the first of January,—any deviation from the rule being noticed.

The Author has endeavored to give his authority for every assertion of importance, and no known work connected with the subject of his researches has been left unexamined. The Proprietary Records of the Eastern Division, in the Register's Office at Perth Amboy, have been critically gone through, and all the valuable information they contain, bearing upon the period under review, has been secured. The Colonial Records of New York [in manuscript] have also been inspected, and many papers of importance obtained which were never before used in the illustration of our history. * * * *

The republication of the "Model of the Government of East New Jersey" was deemed advisable from its great rarity; it never having been reprinted. The efficient aid it rendered in inducing emigration

to the province, and its making known the actual condition of many of the early settlers in their own language, give to it especial interest.

To avoid misconceptions, it is proper to state, that extracts from the manuscript of this work appeared some years since in a series of articles prepared for the Newark Daily Advertiser, and became in that way, although in an imperfect form, available to others.

Newark, New Jersey, January, 1846.

PREFACE TO THIS EDITION.

MORE than a quarter of a century having elapsed since the publication of the first edition of this work, the Author feels gratified that nothing has been developed during that period, through the researches of himself or others, controverting any statement of importance either of fact or of views which it contained. Much light, however, has been thrown upon some portions of the history ; and all have received some further elucidation from sources then unknown or inaccessible, and from having now in print what was

then only in manuscript. The obtainment and publication by the New Jersey Historical Society, of the Analytical Index to the Colonial Documents of the State in the English Archives; the action of the legislature of 1872, which has secured possession of copies of most of them; and the printing of the New York Colonial Documents which had only just been received, in manuscript, when the first edition was published; are notable instances of the increased facilities now possessed by the historian.

As copies of the work have been for some years unobtainable, the Author has been induced to put forth another edition, having given it a thorough revision and rendered it more complete by adding much entirely new matter.

NEWARK, February, 1875.



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ERRATA.

- Page 122, Note 2, for "Eichard," read *Richard*.
 Page 159, Note 2, for "147" read 144.
 Page 166, Note 2, for "Edward," read *Edmund*.
 Page 285, for "Toppan," read *Tuppan*.

EAST JERSEY
UNDER
THE PROPRIETARY GOVERNMENTS.

PERIOD I.

**FROM THE DISCOVERY OF THE COUNTRY, UNTIL ITS
SURRENDER TO THE ENGLISH.**

1609—1664.

SEBASTIAN CABOT, in 1498, sailing under the flag of England; John Verrazzano, in 1523, under the flag of France; and Stephen Gomez, in 1524-5, under that of Spain; each coasted the American Continent in those degrees of latitude which include, what are now, the shores of New Jersey, and probably Verrazzano held some intercourse with the natives;¹ but nothing

¹ It is presumed the following portion of Verrazzano's letter to Francis I. refers to his visit to our waters. "We found a very pleasant situation among some steep hills, through which a very large river, deep at its mouth, forced its way to the sea; from the sea to the estuary of the river any ship heavily laden might pass without the help of the tide, which rises eight feet. But as we were riding at anchor in a good berth, we would not venture up in our vessel without a knowledge of the mouth; therefore we took the boat, and entering the river we found the country on its banks well peopled, the inhabitants not differing much from the others, being dressed out with the feathers of birds of various colors. They came towards us with evident delight, raising loud shouts of admiration, and showing us where we could most

resulted from these voyages towards either the settlement of the country, or the investigation of its resources. Notwithstanding, therefore, the visits of these navigators, it was through Henry Hudson, although nearly a century later in his explorations, that a comparatively perfect knowledge of it was first conveyed to the inhabitants of Europe.

It was on the afternoon of Thursday, September 3d, 1609, that the eyes of the natives, then inhabiting the shores of Sandy Hook, were directed in wonder and admiration towards an European vessel entering the bay from the broad expanse of ocean which constituted the eastern boundary of their world. Uncertain were they at first whether what they beheld was a monster of the deep, or an apparition from the world of spirits, but as the mysterious object drew nearer, they were led finally to regard it as a mighty canoe under the guidance of the Great Spirit, and navigated by inferior divinities.¹ We are told of the despatch of runners, a convention of sachems, and

securely land with our boat. We passed up this river about half a league, when we found it formed a most beautiful lake, three leagues in circuit, upon which they were rowing thirty or more of their small boats from one shore to the other, filled with multitudes who came to see us. All of a sudden, as is wont to happen to navigators, a violent contrary wind blew in from the sea, and forced us to return to our ship, greatly regretting to leave this region, which seemed so commodious and delightful, and which we suppose must also contain great riches, as the hills showed many indications of minerals." Cogswell's Translation,

N. Y. Hist. Soc. Coll. 2d Series, 1, p. 45. There is an older translation from Hackluyt, somewhat different, in the Society's first vol. p. 52.

¹ Vanderdonck, who wrote in 1650, and had seen and conversed with Indians living at the time of Hudson's arrival, states that they had no knowledge of any previous visit of the white men. As eighty-five or eighty-six years had elapsed since Verrazano's voyage, it is possible that in the wanderings of different tribes, all knowledge of the intercourse had with him may have been lost—Heckewelder N. Y. Hist. Soc. Coll. 2d Series, I.

the reception of their presumed celestial visitant with propitiatory offerings, which, though the authority for them be tradition, wear sufficiently the semblance of truth to be adopted by the historian as probable occurrences.¹

The vessel, whose arrival thus marked the day as one to be remembered, was the "Half Moon,"² of eighty tons burthen. Her enterprising commander,—an Englishman by birth, but then in the service of the Dutch East India Company—had, in two previous voyages of discovery, added considerably to the geographical knowledge of the northern regions of the continent; and in the voyage which we are now considering, had coasted our shores from the 44th degree north to Chesapeake bay: anchoring in our waters on his return northward.

The journal of the voyage³ gives a detailed account of the discoveries made, the intercourse had with the natives, and the other circumstances attending the

¹ See a tradition of the Delawares, in the N. Y. Hist. Soc. Coll. 2d Series, I, page 71, communicated by Rev. John Heckewelder, of Pennsylvania, and believed by him to be as authentic as any of the Indian traditions. He had it directly from them. It is added, that in return for their civilities the natives were made to taste intoxicating liquors, and that to commemorate the event, they called the island thereafter "Mannahattanink," the place of drunkenness or madness from drinking. Mr. Schoolcraft, however, in a report on aboriginal names to the New York Hist. Society, (see Transactions of 1844) asserts this to be "a sheer inference unsupported by philology," and gives as the correct name of the island,

Mon-a-ton or *Mon-ah-tan-uk* descriptive of the whirlpool of Hellgate. The council referred to in this tradition, and the subsequent carouse, are therein located on the southern termination of the island, but the journal of Hudson's voyage, shows that the revelry took place on board of his vessel while lying at anchor near Albany. Brodhead's, N. Y., I, p. 752.

² So called by every writer but Bancroft, who dignifies her by styling her the "Crescent." Brodhead's N. Y. I, p. 24, note.

³ The journal is by Hudson's mate, *Juet*, and is reprinted from Hackluyt in N. Y. Hist. Soc. Coll., I, 1st Series, and I, 2d Series.

exploration of the bay and harbor of New York, and of the "great river," as it was called by Hudson, which now bears his name.

A boat dispatched up the bay, for the purpose of sounding the channel and examining the country,¹ having returned with intelligence that there was abundance of water, that the lands were "pleasant with grass and flowers and goodly trees as ever they had seen," and that "very sweet smells came from them," preparations were made, and on the 10th of September, Hudson weighed his anchor with the intention of ascending what we now know as "The Narrows." Impeded, as his progress necessarily was, by the measures of precaution required in the navigation of strange waters, he did not enter the river until the 12th, and not before the 19th did he attain a point near the present site of Albany, whence a boat was sent, which is supposed, ascended the river to some distance above Waterford.² On the 23d of the month, the descent of the river was commenced; its mouth was reached on the 4th of October, and Hudson proceeded directly to sea.³

¹ It is probable this sounding party penetrated as far as Newark bay. The Journal states, that they arrived at "a narrow river to the westward, between two islands," understood to be the *Kills*; and then it is added, *so they went in two leagues, and saw an open sea, and returned.*"

² Dr. Miller's Address, N. Y. Hist. Soc. Coll. I. Brodhead's Address before Hist. Soc. Nov. 20th, 1844. Brodhead's N. Y. I. pp. 28-34.

³ Mr. Folsom, in a note to the Journal (N. Y. Hist. Soc. Coll. 2d Series, I.

p. 331), expresses an opinion that Hudson returned to sea through the sound separating Staten Island from New Jersey; but it is evident he went out the way he came in. The mate says, "Within a while after [coming out of the river], we came out also of the great mouth of the great river that runneth up to the northwest, burrowing upon the more northern side of the same," &c. Now the *Kills* had already been designated as "a narrow river to the westward," and, moreover, *on the same day before twelve o'clock* they were out-

The natives of what is now Monmouth county, New Jersey, went on board of Hudson's vessel without hesitation, soon after his arrival, and seem to have been pleased with what they beheld. They were civil in their deportment, and disposed to exchange such products of the country as they had for knives, beads, and articles of clothing. They were 'well dressed in deer skinnies,' some in 'mantles of feathers,' and others in 'skinnies of divers sorts of good fures;' 'they had red copper tobacco pipes,' and wore other ornaments of copper around their necks.

The journal states that a party from the ship on landing, "saw great store of men, women and children, who gave them tobacco at their coming on land. So they went up into the woods, and saw great store of very goodly oakes, and some currants,¹ for some of them came aboard and brought some dried, which were sweet and good. Some women also came with hemp." Grapes, pumpkins, beaver and otter skins, oysters, Indian-wheat and beans, are also mentioned in the course of the journal as being in abundance, and affording the means for a profitable traffic; the smallest trifles being received by the natives in exchange.

On Hudson's homeward voyage, some mutinous Englishmen among his crew obliged him to put into Dartmouth, whence intelligence of his discoveries was conveyed to the king. James, opposed to every thing that could advance the commercial prosperity

side of Sandy Hook, which they certainly could not have been, had they sailed around Staten Island, as Mr. Folsom suggests.

¹ Probably whortleberries; as they are in other early accounts described as a fruit resembling currants.

of Holland, under some pretence, caused Hudson to be detained ; but his vessel was subsequently released, and continued on her voyage to Amsterdam ;¹ and in 1610, some merchants of that city sent out a ship to profit by Hudson's discoveries by engaging in the fur trade with the natives, which led to the erection of trading-houses at Manhattan Island, and at the present site of Albany.²

These establishments of the Dutch, although probably not made at first with any permanent designs, conflicting as they did with the sovereignty claimed by England by virtue of Sebastian Cabot's discoveries in 1498, were not unheeded by the representatives of that power in America. Captain Samuel Argall, of Virginia, returning from an expedition against Acadia, undertaken for the purpose of dispossessing the French, is said to have visited the settlement at the mouth of the Hudson in November or December, 1613, and obliged the inhabitants to recognize the authority of his sovereign, contribute towards the payment of his expenses, and also to agree to pay a stipulated sum regularly to the governor of Vir-

¹ Lambrechtsen's *New Netherlands*, N. Y. Hist. Soc. Coll. 2d Series, I, Brodhead's *Address*, pp. 14, 15. Brodhead's N. Y. pp. 42, 43. There can be no doubt that this detention of Hudson was the true cause of his leaving the employment of the Dutch, although there are several other reasons assigned. Hudson sailed from England in 1610, on a voyage to the northern seas, and met a horrible fate ; being abandoned in that inhospitable region by his mutinous crew.

² De Laet. Lambrechtsen in N. Y. Hist. Soc. Coll. 2d Series, I. Various authors, as if the love of gain were not a sufficient inducement for this and subsequent voyages, have attributed this expedition to a purchase made of Hudson of his right as discoverer. [See Dr. Miller's *Address*. Harris' Coll. II. p. 280, &c.] It is generally conceded now, however, that there is no foundation for the story. Moulton's N. Y. Part 2, p. 336. Brodhead's N. Y. I. pp. 44-48.

ginia, under whom he was acting.¹ This submission, if made, seems to have been thrown off, and further contributions to the coffers of the Virginia colony refused, on the arrival of Hendrick Christianse under a charter obtained from the States-General, October 11th, 1614, granting to a company of merchants the exclusive right to make four voyages to the newly-discovered lands.² Christianse and an associate named Adriaen Block, more perfectly explored Long Island Sound, with the shores of Rhode Island and Connecticut, and by the erection of forts at Manhattan Island and Albany, the settlers considered themselves secure and confirmed in their possessions; and although complaints were subsequently made, through the minister of Charles I. at the Hague, of the disregard thus shown of the rights and authority of the king, yet no satisfaction was obtained, other than a disavowal on the part of the States-General of any participation in the proceedings of the merchants' company.³

¹ Plantagenet's New Albion, 1648. Moulton's N. Y., I, Part 2, pp. 348, 349, *note*. A difference of opinion has existed as to the time of this expedition; but if the visit was made at all the date above given is without doubt correct. [See a paper by Mr. Folsom in N. Y. Hist. Coll. 2d Series, I. Heylin's Cosmography, Part 2, p. 3. Stith's Virginia, p. 133, quoted by Mr. Folsom.] Moulton discusses the events of this early period in a very critical manner. But great doubts are entertained respecting Argall's visit and its asserted results. Brodhead's N. Y. I. p. 754. Murphy pronounces it pure fiction, N. Y. Hist. Soc. Coll. 2d Series,

II. p. 326. Rep. from N. Neth. p. 107

² Brodhead's Address, p. 16. Brodhead's N. Y. I. pp. 54, 60. N. Y. Col. Docts. I. pp. 4-6.

³ Plantagenet's New Albion. Brodhead's Address, pp. 24, 25. A complaint was made by the Privy Council, through Sir Dudley Carleton, ambassador at the Hague, under date of Dec. 15th, 1621, of the settlement of the Dutch at New York *the year previous*; and his answer, dated the following February 5th, conveys the information that, although vessels had visited the country, he could not ascertain that any settlement had been effected. So little were the mother countries ac-

The wars and internal commotions of England, or the apparently trivial import of the transaction as then considered, may have caused the indifference which seems to have been manifested at the continued occupation of the Dutch. The only measure adopted to effect their removal, was the issuing of a grant to Sir Edmund Ployden for the lands they occupied.

This grant was dated June 21st, 1634, in accordance with the royal instructions dated nearly two years previously, and was issued by the Viceroy of Ireland. It conferred upon Sir Edmund and his associates the country between Cape May and Long Island Sound, extending forty leagues inland. This tract was erected into a free county palatine by the name of New Albion, and over it, with the title of "Earl Palatine," was Sir Edmund made governor; he having, as it is stated,—although the fact may well be doubted,—“amply and copiously peopled the same with five hundred persons.”¹ He, however, visited

quainted with the true position of the American colonies; and hence the apathy of the English government, which previously seemed unaccountable. Under date April 2d, 1632, Capt. John Mason informs Mr. Secretary Coke, that the Dutch Minister, in answer to the complaint made in 1621, had disclaimed any participation by the United Provinces in the proceedings of the merchants. As late as 20th March, 1634–5, on the appearance of a Dutch vessel at Cowes, bound to Hudson river, an order was issued, *not to stop the vessel* but, to prevent the embarkation of any Englishmen on board of her. N. Y. Col. Docs. III. pp. 6,

16, 19. O'Callaghan's N. Neth. I. pp. 96, 131. app. 415. He names the Dutch commander *Corstiaensen*.

¹See the grant at length, in Hazard's Collection of State papers, Vol. I. p. 160. The bounds were as follows: "All that entire island, near the Continent or Terra Firma of *North Virginia*, called the Isle of *Plowden* or *Long Island*, and lying near or between the thirtyninth and fortieth degrees of north latitude, together with part of the Continent, or Terra Firma aforesaid, near adjoining; described to begin from the point of an angle of a certain promontory called *Cape May*, and from thence to the westward for the space of *forty*

his province, and resided therein seven years, exercising, it is said, his office as governor; but, although he may have assumed, on paper, his rights as lord of the soil by granting to various individuals large tracts of land,¹ it is doubted that his authority was ever established over the few inhabitants that then dwelt within the limits of his domain, excepting those who may have come over with him. There was, however, some emigration to New Albion as late as 1650.²

leagues, running by the river *Delaware*, and closely following its course by the north latitude unto a certain rivulet there, arising from a spring of the Lord Baltimore's in the lands of *Maryland*, and the summit aforesaid to the south, where it touches, joins, and determines in all its breadth; from thence takes its course into a square leading to the north by a right line for the space of forty leagues, and from thence, likewise by a square, inclining toward the east in a right line, for the space of forty leagues, to the river and part of *Reacher Cod*, and descends to a savannah, touching and including the top of *Sandheey*, where it determines; and from thence toward the south by a square, stretching to a savannah, which passes by and washes the shores of the island of *Plowden* aforesaid to the point of the promontory of *Cape May*, above mentioned, and terminates where it began." Hazard was indebted to a pamphlet mentioned in a following note for this grant. As governor, Sir Edmund was invested with powers and privileges similar to those employed by other palatines in England or America; which were certainly sufficiently ample to satisfy the most ambitious potentate. The petition to the king for the grant and the Instructions to the Lord's Justices for

its preparation were printed for the first time in the N. Y. Hist. Soc. Coll. for 1869, pp. 218-220. The Instructions were dated July 24th, 1632.

¹Plantagnet's New Albion, p. 24. Hazard's State Papers, pp. 169, 170. Hazard gives one of these grants at length, and states that many other deeds concerning Albion are registered in St. Mary's, Maryland.

²We find Plantagenet, in 1648, complaining of the settlements of the Swedes and Dutch within New Albion, and the adherence of the English settlers to them rather than to the authority of the Earl Palatine. It is presumed that the small settlement of English near Salem, broken up by the Swedes and Dutch in 1641, comprised all the "subjects" the earl had in the province at that time, if he had any. Winthrop, in his Journal [II. 325], mentions the arrival at Boston in 1648 of Sir Edmund Ployden from *Virginia*, having, through the want of a pilot, entered the Chesapeake instead of the Delaware; and Mr. Bancroft [II. 296, 10th edit.], upon this passage of Winthrop's, asserts that Ployden's people "were absorbed in the happy province of *Virginia*;" and yet he adds, "He was never able to dispossess the Swedes." Were there any Swedes in *Virginia*? To answer some

The only result of his presence and schemes, so far as the Dutch were effected, was an offer to dispose of their claim and improvements for £2,500; which not being accepted, they raised their demand to £7,000, and finally, became indifferent to any compromise, their establishment in the country having become too permanently fixed to be easily broken up;¹ for the

end of his own, Ployden may have reported himself from Virginia; but there seems to be little ground for doubt of his having been at one period in the Delaware, and there is some evidence of another voyage to America by him in 1650. N. Y. Hist. Soc. Coll. 1869, pp. 221-2.

¹All that can now be gathered of the projects of Sir Edmund Ployden is contained in the pamphlet, which has been quoted, entitled "A Description of the Province of New Albion, and a Direction for Adventurers with small stock to get two for one, and good land freely: And for Gentlemen, and all Servants, Labourers and Artificers, to live plentifully, &c., &c. Printed in the year 1648." This pamphlet purports to be the production of "Beauchamp Plantagenet of Belvil, in New Albion, Esquire, one of Company," whose manor of Belvil—"containing 10,000 acres, on a navigable river, having in it and near Alabaster, Terras for plaister of Paris, Pudding and Slat-stone, store of timber, clear Fields, Meads and Woods, and no *Indians* neer, and Vines"—he had obtained under the province seal. It is dedicated "To the right honourable and mighty Lord *Edmund*, by Divine Providence, Lord *Proprietor*, Earl *Palatine*, Governour, and Captain-Generall of the Province of *New Albion*; and to the Right Honourable the Lord Vicount *Monson* of *Castlemain*, the Lord *Sherard* Baron of *Let-*

rim: and to all others the Vicounts, Barons, Baronets, Knights, Gentlemen, Merchants, Adventurers and Planters, of the hopeful Company of *New Albion*; in all, 44 undertakers and subscribers, bound by Indenture to bring and settle 3000 able trained men in our said severall Plantations in the said Province."

The object of the publication (which embodies two, previously made in 1637 and 1642,) was to induce emigration; and it is evident from its pages that although the charter had been obtained fourteen years before, very little progress had been made in adding to the population of New Albion. It is written in such a bombastic style, and for the most part, with such an entire freedom from intelligibility, that it is a difficult matter to draw the line between truth and fiction in its contents. As late as 1784-85, one Charles Vallo came to America, claiming to be part owner of the province as well as agent for the then Earl of Ployden, and put forth a pamphlet of thirty pages, containing the grant from Charles I, and two other documents, which Hazard deemed sufficiently authentic to be introduced into his Collection. Mr. John Penington, of Philadelphia, however, in an ingeniously constructed article, contained in the memoirs of the Pennsylvania Hist. Soc. [Vol. IV, Part I], casts discredit upon all the statements of Plantagenet and the documents of Vallo; advancing enough of argument to ren-

States-General having in June, 1631, granted a charter to those engaged in traffic with the New World, under the name of the "West India Company," the condition of the settlements on the Hudson was thereby materially improved; the result, previously, having fallen far short of the anticipations excited by the discovery of the country.¹

But the newly chartered company did not confine its settlements to the Hudson. Immediately after receiving the charter, a number of settlers were sent out under Cornelius Jacobus Mey, to establish themselves on Delaware river. Mey coasted the continent as far north as Cape Cod; gave the name of "Port Mey" to New York bay;² to Delaware bay, that of

der the question debateable, without satisfactorily determining the facts of the case. Only three copies of Vallo's pamphlet are known to exist; one, consulted by Mr. Penington, which was in the possession of Vallo's legal adviser, the late Wm. Rawle, Esq., one in the possession of Mr. Henry C. Murphy, and a third, to which the author has had access, in the library of the late John Ruthurfurd, of Newark. The papers of the day, (July, 1785,) contain "A Caution to the Good People of the Province of New ALBION, *alias* corruptedly called, at present *The Jerseys*," not to buy or contract with any man or body of men for any land in the said province, and notice was given that "True copies in Latin and English of the original charter registered in Dublin, authenticated under the hand and seal of the Lord Mayor of Dublin, 1784, may be seen by applying to Capt. Cope, at the State Arm's tavern, New York."

The only copy of Plantagnet's pam-

phlet in America, is in the Philadelphia Library. It was reprinted in 1837 by Peter Force, of Washington, to whom American History is under many obligations. For the best narrative of Ployden's presumed attempt at settlement which the author has seen, the reader is referred to Mickle's "Reminiscences of old Gloucester." More or less of conjecture must be exercised, however, in all endeavors to clothe his project with the garb of history. Mr. Murphy in N. Y. Hist. Soc. Coll., 2d series, II, p. 323, gives an admirably digested summary of all the circumstances attending the claim, and see various authorities as quoted by Brodhead, I, p. 382. The author has given in the text only such particulars as he considered established.

¹ Lambrechtsen. De Laet. Brodhead's Address. O Callaghan, I. p. 89.

² This was called, at one time, "Godyn's Port," after another Dutch navigator and landholder.

"New Port Mey," to its northern cape also the name of "Mey;" and his christian name, "Cornelius," to its southern cape.¹ He built a fort for the protection of the colonists a few miles below the present city of Camden, and during some years, additions were made to their number, and the settlement prospered; but in the latter part of 1632, the hostility of the natives led to the death of so many persons, that the survivors were discouraged and returned to Holland, leaving the Delaware once more in the undisturbed possession of the original inhabitants.²

The Swedes first arrived in Delaware bay in 1638,³ although the project had been broached, and considerable attention bestowed upon it, prior to the death of Gustavus Adolphus, in 1632.⁴

Notwithstanding a remonstrance from the Dutch Governor at New Amsterdam, forts and settlements were established at different points; but the scope of our present inquiries renders unnecessary any particular examination of the history of the colony. Although themselves at variance, the Dutch and Swedes, about 1641, united to break up a small settlement of English, located near the present site of Salem, which, with one or two other companies, subsequently dispossessed, constituted, it is presumed, the whole of Sir Edmund Ployden's colony; and the removal of their common enemy thus effected, they were left at full liberty to cultivate their own mutual

¹ Watson's Philadelphia Annals. Gordon's N. J. Cape Henlopen, further south, is thought to have been named after a navigator called *Jelmer Hinlopen*, but O'Callaghan, [I, p. 73],

says it was named after a town in Flanders.

² Gordon's New Jersey. p. 9.

³ N. Y. Col. Docts, III, p. 20.

⁴ Gordon's New Jersey, 10, 11., N. Y.

ill will. Encroachments by both parties led, finally, to an expedition from New York, in September, 1655, under Governor Stuyvesant, which resulted in the complete overthrow of the Swedish power, without the shedding of blood.

The authority of the Dutch was thus established over the entire country, between Delaware bay and New England, which had previously received from the title of Nova Belgia or New Netherlands. The Governors, ruling in the name of "Their High Mightinesses the States-General and the privileged West India Company," resided at New Amsterdam, and Lieutenant-Governors administered the affairs of the settlements on Delaware river, which were for a long time known as the "three lower counties."

The descriptions given of New Netherlands, (or New Albion, as it was called by the English,) emanating, as they did, from those who were interested in the soil, have to be received with some caution. It was to be presumed, that many of the inhabitants of the old world, although they might be suffering oppression, persecution, and poverty, required some assurances and inducements to bring them to the wilds of America other than the mere escape from the evils under which they labored. Writers were, consequently, well disposed to adopt exaggerated statements, or draw upon their imaginations for facts, that might people the country with those who looked

Col. Docts, III, p. 20. O'Callaghan, I, p. 188 Plantagenet (reprint, p. 19), writing in 1648, accuses the Dutch of having, *eight years* before, introduced the Swedes themselves, by landing forty Swedish soldiers in Delaware Bay, brought from the West Indies; and, see Mickle's Reminiscences, p. 6. Clay's Annals. Rev. Mr. Simes' Sermon, 170th Anniversary, Old Swedes' Church, Phila.

for an increase of prosperity and happiness. Every thing was made to wear the brightest aspect; advantages were magnified, and evils slightly touched upon, or placed entirely out of view; the sober truths of reality affording frequently but a slight foundation for the massive superstructures built upon them.

“If there be any terrestrial happiness,” says one, “to be had by any people, especially of an inferior rank, it must certainly be here.” And he expatiates upon the abundance of land, and the ease with which it can be obtained.¹ Another describes the country as “full of stately oaks, whose broad-branched tops serve for no other use but to keep off the sun’s heat from the wild beasts of the wilderness: where is grass as high as a man’s middle, which serves for no other end except to maintain the elks and deer, who never devour a hundredth part of it, then to be burnt every spring to make way for more. How many poor people in the world would think themselves happy had they an acre or two of land, whilst here is hundreds, nay, thousands of acres that would invite inhabitants.” The woods are represented as “furnished with fresh ponds, brooks, or rivers, where all sorts of cattle, during the heat of the day, do quench their thirst and cool themselves;” their surface being overshadowed by intermingling boughs and tendrils of trees and vines that ornamented their banks.

All kinds of wild beasts and fowl abounded, and accounts are given of some them, rivalling the fabu-

¹ Quoted in Ogilby’s *America*, p. 182, without credit, from Denton’s *New York*, 1670. As the extract very well illustrates the character of these descriptions, it is given in Note A, appended to this volume.

lous tales of antiquity. Man had an interest in them all, for he could hunt them at pleasure, and furnish his house with "excellent fat venison, turkies, geese, heath-hens, cranes, swans, ducks, pigeons, and the like;" and when wearied with hunting, he might supply himself with an equal abundance of fish. Want and sickness were unknown. Several kinds of fruits introduced from Europe were said to thrive better than on their native soil; and the wild fruits of the country were in great profusion.¹

New Albion is said to be "scituate in the best and same temper, and as Italy, between two cold Germany and too hot Barbary: so, this lying just midway between New England, 200 miles North, and Virginia, 150 miles South, is freed from the extreme cold and barrenness of the one, and heat and aguish Marshes of the other, and is like Lombardy, and a rich, fat soil, plain, and having 34 rivers on the main land, 17 great Isles, and partaketh of the healthiest aire and most excellent commodities of Europe." Some of these are specified, such as ship timber of different kinds, mulberries, sweet cypress, and other woods, four sorts of grapes, and "the greatest variety of choice fruits;" among those enumerated being "wild cherries, pine-apples (or some fruit which they chose thus to designate,) and the dainty parsimenas" [persimmon]. The country is said to be stored with all kinds of corn, silk-grass, salt, good wines, and dyers' ware; the uplands being covered many months with berries, roots, chestnuts and walnuts; and the "many fair

¹ Ogilby, pp. 180-182. Part of the ton's, who was evidently Ogilby's authority, however, is that of Den-

risings and prospects all green verdant," are dwelt upon in the true spirit of a lover of nature.¹

Staten Island is said to "contain tin, and store of iron ore, and the calamine stone." "On the north side of this island," says Ogilby, "*After Skull River*² puts into the main land, on the west side whereof there are two or three towns, but on the east side but one.³ There are very great marshes or meadows on both sides of it, excellent good land, and good convenience for the settling of several towns. There grows black walnut and locust as there doth in Virginia, with mighty tall straight timber, as good as in the north of America."

"Both sides of the Raritan," it is said, "are adorned with spacious meadows, enough to feed thousands of cattle. The woodland is very good for corn, and stored with wild beasts, as deer, elks, and an innumerable multitude of fowl, as in other parts of the country. This river is thought very capable for the erecting of several towns and villages on each side of it; no place in the north of America having better convenience for the maintaining of all sorts of cattle for winter and summer food. Upon this river is no

¹ Description of New Albion (reprint); p. 20

² The towns in New Jersey, when referred to in the Dutch Records, are designated as "Achter Kol," an appellation first applied to Newark Bay, meaning "Behind or Back of the Bay"—the great Bay of the North River—and subsequently transferred to the land as well. [Brodhead's N. Y., I, p. 313. N. J. Hist. Society Proceedings, X, p. 98.] The river referred to by Ogilby

is presumed to be the brook dividing the townships of Newark and Elizabeth town, or the Passaic; for on reference to the early maps of the country, a stream so situated is called "Achter Kol," for the same reason, probably, that the towns and the Bay were so called, and not as a distinctive appellation. The name, corrupted to "Arthur Kull," is now borne by the sound between New Jersey and Staten Island.

³ Ogilby's book was printed in 1671;

town settled, only one at the mouth of it; but next to it westward [eastward?] is a place called *Newasons*,¹ where are two or three towns and villages settled upon the sea-side, but none betwixt that and Delaware bay, which is about sixty miles; all which is a rich champagne country, free from stones and indifferent level, having store of excellent good timber, and very well watered, having brooks or rivers, ordinarily one or more, in every mile's travel. This country is peopled only with wild beasts, as deer, elks, bears, and other creatures, so that in a whole day's journey, you shall meet with no inhabitants except a few Indians." These are represented as exceedingly hospitable; affording the traveller the best entertainment in their power.²

Plantations on the western side of the bay were soon established, after the settlement of the Dutch at New Amsterdam. The first village was Bergen, commenced about the year 1618; but for some years thereafter it was probably a mere trading-place for the Indians. The village was formed of the houses of the surrounding planters, placed near each other for mutual protection, while their farms were scattered through the adjoining country.³ There are still, in

these towns may have been *Newark* and *Elizabethtown*, on the west, and *Bergen*, on the east. The one afterwards mentioned, as at the mouth of the Raritan river, was probably *Woodbridge*.

¹ *Newasons*, intended, probably, for *Navesink*: and the settlements, the embryo towns of Shrewsbury, Middletown, &c.

² Denton's Description of New York, 1670.

³ Moulton's N. Y. Part 1, p. 347, and note. Smith's N. J. p. 61; Smith, adopting a suggestion of Oldmixon, thinks a few Norwegians or Danes were concerned with the Dutch in the original settlement; the name of "Bergen" being derived from the capital of Norway: but the place may have derived its name, (which it probably did not receive before 1660,) from the high ground upon which it is located; or, which is more probable, from

that section of the state numerous descendants of the race that thus first entered upon the cultivation of the wilderness, occupying the same grounds, and possessing many of the peculiarities of habits, and character which marked their ancestors.

To excite individual enterprise and induce emigration to New Netherlands, the West India Company made grants of large tracts of land to such persons as would stipulate to establish colonies upon them within a certain time.¹ Among these "Patroons," as they were styled, was Michael Pauw,² who purchased Matanucke, now Staten Island, from the Indians, by deed dated August 19th, 1630,³ and

the same home reminiscences that led to the adoption of the names of other Holland towns for the new settlements; Bergen being one of the places in North Holland. [See N. J. His. Soc. Proceedings, IX, p. 141] O'Callaghan thinks the first settlement was made by Jan Evertsen Bout in 1638. Bout came out in 1634 as superintendent of Pauws Colonie. The village was incorporated and received its first sheriff (Tielman Van Vleeck) in 1661; a Subaltern bench of Justice was also then established, composed of the sheriff and two schepins, constituting probably the first legal tribunal established in New Jersey. Steps were taken that year also for the erection of a *saw mill*; and in 1662, a well was ordered to be dug, and 417 guilders subscribed towards the erection of a church. In 1664 a blockhouse was ordered to be built. Albany Records, XIX, pp. 273, 275, to 282, 370. XX, pp. 50, 280. Vol. XXII. See Winfield's Hudson County, pp. 70 74, 80-87

¹O'Callaghan's N. Neth., I, p. 112; N. Y. Col. Docts. I, pp. 95-97; Brod-

head's N. Y., I, p. 187; Winfield's Land Titles, p. 2.

²Dunlap, in his Hist. of N. York, suggests that the little village "Communi-paw," on New York bay, which retained for a long period many of the primitive characteristics of the Dutch, may have owed its name to the junction of the words *Commune* and *Pauw*—indicating the commune or community established by the patroon; but the word is more probably an Indian one, for in the East Jersey Records, when first noticed, the place is called "Gamounepan," and "Comounepan." The termination *pau* being probably of comparatively modern origin.

³Elizabethtown Bill in Chancery, p. 5. Moulton, [I. p. 402,] quoting "Dutch Records Book, G. G., says this deed was dated July 15th, 1631. The Bill in Chancery quotes "Dutch Records, A, p. 6." Probably the date given by Moulton is that of the confirmation of the purchase by the Director-General and Council. The island, however, must soon have reverted to the Company, or the purchase have been made

subsequently, July 13th and Nov. 22d, also secured an interest in the lands along the western shore of the bay; a tract that from him took the name of Pavonia at an early period, which of late years has been restored to it, after it had long ceased to be so distinguished.¹ From the position assigned to it in the oldest maps, it was probably the appellation of a large district, including the settlement at Bergen.

Although thus early selected for plantations, there does not appear to have been any extensive cultivation of the soil or material addition to the number of the colonists, immediately consequent thereupon. On the contrary, when William Kieft arrived in 1638, as Director-General of the Company's interests, he found many of the farms and settlements far from

for them; for De Vries, one of the original Patroons [Voyages, pp. 21, 117, 129, 143, 146,] under date of Aug 13th, 1636, says, "I requested Wouter Van Twiller to register Staten Island for me, as I wished to return and plant a colony upon it, which he consented to do." He founded the colony in January, 1639, [Voyages, p. 124]; but in September, 1641, his people were killed by the Indians, and the settlement broken up. In that year Cornelius Melyn obtained a patent for the major part of the island, and subsequently Vander Capellen received a grant and made a settlement; but in 1759 all these claims reverted to the West India Co. [O'Callaghan, II, pp. 426, 575; Brodhead's N. Y.; De Vries' Voyages, pp. 146, 147.] Schoolcraft gives *Manocknong* as the true Indian name of Staten Island.

¹ His original deed conveyed only what was known as *Hobocan Hackin*g,

lying north of *Ahasimus*, but he seems to have acquired also the lands to the south and on Communipaw bay. [Winfield's Land Titles, pp. 3, 4.; Hist. Hudson Co., p. 13]. De Vries asserts [N. Y. Hist. Soc. Coll. 2d Ser. I.; and Voyages, p. 145], that the reason for Pauws selection of this tract, was the like appropriation by other patroons of the lands around Fort Orange. It is doubtful, however, if his title to this tract was ever fully established; he does not appear to have improved it; and in 1638 we find a portion of it in possession of Gov. Van Twiller, and in 1659 the whole country, through to the Hackinsack. Moulton says [I, p. 420] it reverted to the Company either by concession or compulsion. In 1633 and 1636, De Vries [Voyages, pp. 61, 115] mentions his going to Pavonia, and being well received by an officer of the Company; showing the existence of some kind of a settlement there in

being in a flourishing condition,¹ and such is presumed to have been peculiarly the case with those west of the bay, although afterward they seem to have attracted more attention and secured a greater amount of the colonists' care.

Soon after Kieft's arrival we find him in possession of a farm described as "a lot of land called *Paulus Hoeck*, situate to the west of the Island of Manhattan, east from *Ahasimus* on North river, to the valley which borders on it"—which he subsequently sells to Abraham Isaacsen Plank for a sum equal seventy-five pounds sterling.² This is the first application of the name of Paulus Hoeck to the peninsula which is so designated at the present day, with a slight alteration in the orthography. The Indian name was *Aressheck* or *Arissick*. In 1641 Meyndert Meyndertsen, the Heer Nederhorst was established as Patroon over a colony extending from Newark bay to Tappan. In this year also, Aert Teunissen Van Patten secured a lease of Hoboken on which he erected buildings and planted fruit-trees.³ On the 11th of May, 1647, Maryn Adrianse received a grant for a tract of land called Weehawken.⁴

those years. Mr. Folsom derives *Pavonia* from "Pavo," the Latin for *Pauw*; meaning peacock, but see for origin of name, Alofsen's Paper, N. J. Hist. Soc. Proc. IX, p. 35; Winfield's Hudson Co. p. 17.

¹New York Hist. Soc. Coll., 2d Ser. I, 279; Winfield's Hudson Co. p. 26.

²This sale was confirmed by Gov. Carteret in a grant to Plank, May 20th, 1668, E. J. Records, B, p. 36.; Dunlap's N. Y., I, p. 59. It was in Plank's

possession in 1643, as in that year he transferred it to two individuals as security for bail entered for him. Albany Records, Vol. III; see Winfield's Land Titles, p. 44.

³O'Callaghan, N. Neth., I. pp. 238-9: says *Hoboken* was so called from a village on the Scheldt, but we have an Indian name, in that vicinity, of *Hobocan*.

⁴This was confirmed by Carteret, April 18th, 1670.

On the 5th of August, 1650, the lands "at the south side in the bay of the North river" were purchased of the Indians in behalf of Heer Lubertus Vandin-
clage, Deputy Director of New Netherlands, by the delivery of sundry goods valued at 193 guilders;¹ and the following year (Dec. 6th, 1651), Augustine Herman or Heermans purchased a vast tract, which included all the land from "the mouth of the Raritan Creek westerly up unto a creek, *Mankackkewachky*,² which runs northwest up into the country, and then from the Raritan Creek aforesaid northerly up along the River behind States Isle, unto the Creek, namely, from the Raritan Point, called *Ompoge*,³ unto *Pechciesse*,⁴ the aforesaid creek, and so the said creek Pechciesse up to the very head of it, and from thence direct westerly thorow the Land untill it meets with the aforesaid Creek and Meadow Ground called *Mankackkewachky* aforesaid." Subsequently Herman also purchased a tract of land called "Kehackanick

¹ E. J. Records, B., p. 7. The articles were as follows:—

"First of good Stringed Wampen	gl.98.15
Eleven Ells of Duffield, at 4 gl.	44
5 hatchets at 2 g. 10 st. a ps.	12.10
21½ lbs. of kettles, at 30 stiv.	52.05
4 skifs, at 10 sts.	2.00
For bread, Indian Corn, and other small matters, ...	4.00

Somma guild . . . 193.10

Aug. 5, 1650."

O'Callaghan says he bought the tract as agent for Vander Capellen, II, p. 158.

² What are now termed "Raritan Great Meadows."

³ The origin of the name *Ambo*, whence the modern Amboy is derived. Whitehead's Amboy, p. 2.

⁴ The creek *Pechciesse* was thought to have been the Passaic river, but following that river would include a much greater quantity of land than the Indians intended to grant. It was one of the points of controversy in the Elizabethtown suit in chancery. It was acknowledged that the natives did not intend to sell beyond the "Minisink Path," which crossed the Raritan three or four miles above Amboy, pursuing a northwesterly course towards Minisink island in the Delaware river, near the northwestern termination of the State. See Bill in Chancery. Let-

wakonaback," on the south side of the Raritan, opposite to Staten Island;"¹ but there is no evidence of any settlement by him of either of these tracts. Herman, in 1660, removed from New York to Maryland, where he died.²

The several plantations that had been located on the western side of the bay, at "Gamounepan" were abandoned about the close of 1651,³ and not until 1661 were they re-peopled. Lots of ground were then ordered to be laid out, and a ferry to New Amsterdam was established.⁴ In the mean time (January 30th, 1658-9), the Indians had sold to "the noble Lord Director General, Pieter Stuyvesant, and Council of New Netherlandt," a tract lying on the west side of the North river, "beginning from the great Clip above Wiehachan and from there right through the land until above the Island Sikakes,"⁵ and there-

ter from a Gentlemen in New Brunswick to his Friend in Elizabethtown, folio, 1752. E. J. Records, Liber I, p. 9.

¹ E. J. Records, B, p. 6. On the 16th Nov. 1666, Governor Carteret gave him permission to manure and possess this tract, "provided he makes good his purchase from the Indians."

² Answer to Bill in Chancery, p. 8, N. Y. Dutch MSS, Albany, XIX, p. 8. Herman was a prominent man in New Netherlands, filling several offices, and his sons Ephraim and Casparus became "men of note" in Delaware, the latter being a member of the Pennsylvania Assembly from New Castle in 1683 and 1684. Vanderdonck terms Augustine "a curious man, and a lover of the country;" and says he "made an experiment near New Amsterdam, where he planted Indigo, and which grew well, and yielded much." Val-

entine's New York Manual for 1863, [p. 773] gives the dates of his childrens' baptisms. Dankers traveled from New York to the Delaware in company with, and under the guidance of, Ephraim in October, 1679, and in his journal gives more information regarding the family than is elsewhere obtainable, p. 453 *et infra* and see Note, p. 230; Brodhead's N. Y.; O'Callaghan's N. Neth.

³ Winfield thinks they were not abandoned until 1655. Hudson Co. p. 53, Note.

⁴ Albany Records, XIV, p. 27; XIX, pp. 38, 36, 437; XXIV, p. 398. In 1662 the ferryman complained that the authorities of Bergen had authorized the inhabitants to "ferry themselves over whenever they pleased," to the great detriment of his monopoly.

⁵ Now *Secaucus*, a ridge of upland

from thence to the Kill Van Coll, and so alongdt to the Constable's hoeck,¹ and from the Constable's hoeck again to the aforesaid Clip above Wiehachan."² These bounds, it will be observed, include all the lands sold to Michael Pauw in 1630; from which it is argued, that before this, his title had reverted to the West India Company; which, by this deed, increased its interest by the addition of new lands to those already held. In consideration for this tract, which extended from the Hackensack to the North river, the Indians received from their white neighbours, 80 fathoms of wampum, 20 fathoms of cloth, 12 brass kettles, 6 guns, 2 blankets, 1 double brass kettle, and 1 half-barrel of strong beer; and they agreed to remove the first opportunity. A compensation sufficiently trifling under any circumstances; but considering the many years of intercourse had with the traders, it is remarkable that the natives had not become less captivated by the articles used in traffic with them, and more observant of their value in the estimation of the whites, in comparison with the lands they coveted.

On 5th February, 1663, Nicholas Verlett received a grant from Gov. Stuyvesant for a tract called Hobuk.³

having Snake hill at its southern termination; called an island still, from its being surrounded by salt meadows.

¹ The northern Point of the eastern entrance of the Kill Van Cull, so named from Jacob Jacobsen Roy, to whom it was granted in 1646, he being *Konstapel* or gunner at Fort Amsterdam. Winfield's Land Titles, p. 73; N. J. Hist. Soc. Proc. X, p. 135.

² These are the bounds as given in E. J. Records, Lib. I, p. 3. In Vanderkemp's translation in the Albany

Records, XIV, p. 82, we have "Kill of the Col," "Con Staples' Corner, and the word "Rock" instead of *Clip*, [and see Winfield's Hudson Co., p. 62]. There had been sites selected for plantations in various quarters of this tract and some of them may have continued to be occupied notwithstanding the difficulties with the Indians, and other impediments. Persons are mentioned as of "Aquackenack," in 1640.

³ For particulars see Winfield's Land Titles, p. 39.

The grants and purchases which have been here enumerated, appear to be all of much importance that were included within the present limits of East Jersey, made prior to the surrender of New Netherlands to the English.¹ These, it will be observed, were confined exclusively to the Dutch; for so long as the country remained under their domination, no settlements were made by others. And although in 1661, a proclamation was issued offering liberal terms to "all Christian people of tender consciences, in England or elsewhere, oppressed," who might choose to establish a colony in New Netherlands, yet applications for land from residents in New England led to such protracted negotiations, that a change in the government occurred before arrangements for a settlement could be perfected,² and in 1663 inspection of the soil and intercourse with the natives were objected to.³

The claim of England to nearly the whole continent of America, by virtue of Cabot's discoveries, although preferred on grounds which, according to the theories then prevailing, gave her a sufficient title, had long remained dormant; so that the occupancy of the

¹ See note to this Chapter page 32. The Albany Records, (VIII, p. 27), contain a letter from the Heer Werkhoven to Baron Vander Capellen, stating that the lands about Neversink and Raritan's Kill had been purchased for him in 1649, and complaining that they had not been allotted to him. They are presumed to have been the lands bought by Herman on the south side of the Raritan. A caveat was entered against his right by Van-

der Capellen, and he did not recover the tract. O'Callaghan II, pp. 186, 436.

² Brodhead, I, p. 696; O'Callaghan, II, p. 444-447, Newark Bi-Centennial pp. 14-21, 157-166.

³ The Albany Records [XXI, p. 431] contain an account of a "voyage to Navesink" in 1663, to look after a party of English exploring the Raritan; which, having never been printed, is given at length in Note B, to this volume.

Dutch had become firmly established. The settlers of New England, however, commenced at an early period to make encroachments upon lands conceived to be within the limits of New Netherlands, and to assert their right to the soil, leading to various disputes and negotiations. The coolness and pertinacity of their neighbors of New Amsterdam added to their animosity, and they finally applied to the Government at home for its interference and assistance. No efficient results were produced by applications to the Protector Cromwell or his son Richard; but Charles II., entertaining a strong dislike to the Dutch, was easily induced to countenance the complaints of his North American subjects, and although at peace with the States-General, to enforce his right to the province of New Netherlands.¹

To carry out this purpose, on the 12th of March, 1663-4,² a charter was granted to His Royal Highness, James, Duke of York and Albany—Charles' brother—for all the lands lying between the western side of Connecticut river, and the east side of Delaware bay, including Long Island, Nantucket, Martha's Vineyard, and the islands in their vicinity:—and in April, a fleet was despatched, consisting of four vessels,³ having on board four hundred and fifty soldiers; besides a full complement of sailors, to put the Duke in possession by ejecting the Dutch. This was done with-

¹ Gordon's *New Jersey*, p. 20, Dunlap's *New York*, I. chap. 6. O'Callaghan, II., chaps. 6 and 7. Brodhead.

² *N. Jersey Grants and concessions*. Smith's *New York*. Douglas' *Summary*. Brodhead, I., p. 735 &c. Smith's *New Jersey*, followed by Gor-

don's *New Jersey*, gives the 20th as the date, but this is an error. It was the 22d new style.

³ One of 36 guns; one of 30 guns; one of 16 or 18 guns; and one of 10 guns. O'Callaghan II., p. 520. Brodhead's *Address*, p. 27.

out difficulty, for they were little prepared in a time of peace to resist such a hostile force.

The expedition was commanded by Colonel Richard Nicolls, upon whom the government of the province had been conferred by the Duke of York, and he arrived at New Amsterdam towards the close of August.¹ Articles of Capitulation having been exchanged on the 11th of August, the surrender took place the next day—the fort became Fort *James*, and the province, *New York*. On the 18th September, Fort Orange surrendered; the name of *Albany*, the Duke's Scottish title, was conferred upon it; and early in October, the settlements on the Delaware capitulated to Sir Robert Carr, who, with two vessels, had proceeded thither from New York.² The terms granted the Dutch were so favorable that they generally remained and became subjects of Great Britain; a circumstance to which is to be attributed the existence in New York and New Jersey at the present day, of a large number of families tracing their descent from a Dutch ancestry.

This violent seizure of New Netherlands, as might have been expected, and probably hoped for, by Charles, brought on a war with Holland; but by

¹ The first vessel arrived about the 15th or 16th, old style, 25th or 26th, new style, and the others two days thereafter. Smith's N. J., p. 37. N. Y. Col. Docts. II., p. 410.

² Smith's New York. Smith's New Jersey, pp. 35–50. Dunlap's New York, I., p. 115. Brodhead, I., pp. 736–744. O'Callaghan, II., pp. 520–538. Carr, very wisely, first treated

with the Swedes, and then with the Dutch planters, so that the small garrison in the fort was left without external aid. Some resistance was made, nevertheless, and thirteen of their number wounded, before they capitulated. See Carr's letter in New York Col. Docts., III., p. 73, under date of 13th October, 1664.

the treaty of Breda, in 1667, peace was restored, and the possession of New York confirmed to the English.

Although the Hollanders had, as the pioneers of civilization, done much to develop the resources and advantages of East Jersey, yet their occupation of the country during the long period of fifty years does not appear to have resulted in anything like a proportionate cultivation of the soil or increase of population. This was owing, probably, in the main, to a want of systematic energy, perseverance, and unity of action in the chief men of the province; but another reason may be found in the collisions with the Indians, which have been incidentally mentioned.

It is stated in a publication bearing date 1648, that the natives in this section of the continent were under the dominion of about twenty kings; that there were 'twelve hundred under the two Raritan kings on the north side next to Hudson's river, and those came down to the ocean about little Egg-bay and Sandy Barnegate; and about the South Cape two small kings, of forty men apiece, and a third reduced to fourteen men at Roymont." So that there were probably not more than two thousand within the pro-

¹ Description of New Albion, orig. edit., p. 22. The seat of the Raritan king is said to have been called by the English *Mount Ployden*, "twenty miles from Sandhay [Sand bay?] sea, and ninety from the ocean, next to *Amara hill*, the retired paradise of the children of the *Ethiopian emperor*; a wonder, for it is a square rock two miles compass, 150 feet high, a wall-like precipice, a strait entrance, easily made invincible, where he keeps two hundred for his

guards, and under is a flat valley, all plain to plant and sow." The writer is at a loss to locate this "mount" and "retired paradise," if such actually existed, save in the imagination of "Beauchamp Plantagenet, Esq.," as he knows of no place answering the description. Rev. G. C. Schenck, in a paper read before the N. J. Hist. Society, suggests that what is known as the "Round Valley" corresponds with the general features given. Proceedings, VI. p. 13.

vince while it was under the domination of the Dutch. On early maps of New Jersey, an Indian path is designated running from the mouth of Shrewsbury river in a northwesterly direction, crossing the Raritan a little to the westward of Amboy, and thence in a northerly direction to Minisink island in the Delaware river, near the northern boundary of the State: this was probably their great thoroughfare. The *Sanhicans*, the deadly enemies of the *Manhatae*, but whom De Laet characterizes as a better and more decent people, inhabited that part of the province lying west of Staten Island, and farther south were the *Naraticongs*, *Maravancons*, *Nevesincks*, and other branches of the great Delaware tribe.¹

Of a peaceable disposition excepting when exasperated by the exactions or oppression of their white neighbors, the dangers and outrages which attended the colonization of some parts of the country, were here experienced in a much less degree. The first attack upon the Hollanders appears to have occurred on the Delaware in 1631, and was as unexpected as it was disastrous; thirty-two of the settlers being murdered for revenge for the death of a chief, who fell a victim to the desire of some of his own race to propitiate the whites for a trifling offence he had committed.²

In East Jersey the greatest harmony seems to have prevailed until, by the misconduct of the colonists, the anger of the natives was aroused. In 1640 an

¹ O'Callaghan, I., p. 48. Brodhead, and N. Y. Hist. Soc. Coll. 2d Ser. I., I., p. 73. pp. 251, 266. Gordon's N. J. p. 9.

² Murphy's Voyages of De Vries, Brodhead I., pp. 218, 221.

expedition fitted out against those on the Raritan,—accused, though wrongfully, of having committed thefts and other trespasses—caused the maltreatment of some of the leading chiefs, and led the following year to retaliatory measures upon the settlers of Staten Island, who were killed, and their plantations broken up.¹ This matter, in conjunction with an impolitic attempt at taxation, further murders committed by individuals, and the refusal or inability on the part of the Indians to secure the offenders, brought on general hostilities.

The authorities of New Amsterdam, emulating the craft of their opponents, or fearful of creating too powerful a combination among the natives, assiduously kept from them every intimation of the evil that was brewing; and directed that the “kind intercourse and the trade in corn should be continued with them as before, till God’s will and proper opportunity is offered”² This opportunity came early in 1643. The Indians in the vicinity of Fort Orange (Albany), having commenced a war with their more southern brethren, Governor Kieft joined them; and on the night of the 25th of February, a detachment of troops was sent over to Pavonia, and eighty Indians were murdered in their sleep or in attempting to escape. “This was the feat,” says De Vries, alluding to a remark which had been previously made by the governor in relation to it, “worthy of the heroes of old Rome—to massacre a parcel of Indians in their sleep,

¹ N. Y. Hist. Soc. Coll., I. pp. 263, 264. Brodhead, I., pp. 309, 315. ² N. Y. Hist. Soc. Coll. 2d Ser., I., p. 277. De Vries’ *Voyages*, p. 167. O’Callaghan, I., pp. 224—227.

to take the children from the breasts of their mothers, and to butcher them in the presence of their parents, and throw their mangled limbs into the fire or water! Other sucklings had been fastened to little boards, and in this position they were cut in pieces! Some were thrown into the the river, and when the parents rushed in to save them, the soldiers prevented their landing, and let parents and children drown." As the orders given to the officer commanding the expedition, as they appear on record, were "to spare as much as it is possible their wives and children, and to take the savages prisoners,"¹ we might attribute this cruelty entirely to the excited passions of the men, were we not told that for these services they were rewarded; and that "the same night forty Indians were attacked in their sleep and murdered at Corlaer's Hook and at Corlaer's plantation."² Such a warfare could not fail to exasperate the natives, and so soon as they became aware that these massacres were by the whites, (for, from the secrecy observed, and the darkness of the night, they thought they had been attacked by their enemies, the Maquas), they murdered in the country all the men they could find; but, more humane than their civilized opponents, spared the women and children. Houses and barns, grain and hay, were destroyed, and war waged for some days. In March, a peace was concluded; but the terms of the pacification were inadequate, to re-

¹ N. Y. Hist. Soc. Coll. 2d Ser. I., p. 278. De Vries' Voyages, p. 169. O'Callaghan. I. pp. 267-272. Brodhead I. pp. 353-360. Winfield, Hudson Co. pp. 34-38.

² De Vries in N. Y. Hist. Soc. Coll. 2d Ser. I. p. 269. Voyages, p. 175. De Vries was the only member of the council opposed to this warfare against the Indians.

move from the minds of the Indians the recollection of the grievous injuries sustained in the loss of fathers, mothers, children, relatives and friends, and consequently an opportunity was taken to renew the war by the capture of a guard of soldiers, at "Achter Cul," in September, and the destruction of the houses at Pavonia in October following.¹ The conflicts were of a more serious character thereafter, and hostilities continued for some months, affecting most injuriously the interest of the settlers. In March, 1644, the authorities of New Amsterdam proclaimed a solemn fast, to deprecate the anger of Jehovah, and in the course of the following year, peace was permanently restored; giving the good burghers, who had fasted, an occasion also to rejoice on a day of public thanksgiving and praise, which was set apart for the purpose.² The collisions which subsequently ensued, between this and the subjugation of the province by the English, with a few exceptions,³ were of less consequence; but there was at all times so little confidence felt in the natives, and so much apprehension respecting them, that the comfort of the out-settlers was interfered with materially, and, such being the case,

¹ N. Y. Hist. Soc. Coll. 2d Ser. I. p. 272. De Vries' Voyages, p. 177. Brodhead, I. p. 368. O'Callaghan, II. p. 286. Winfield, Hudson Co. pp. 42-49.

² N. Y. Hist. Soc. Coll. 2d Ser. I. p. 278. O'Callaghan, II. pp. 356-357. Brodhead, I. pp. 407-409.

³ In September, 1655, there was a serious irruption by the Indians of the North, (estimated to number eighteen or nineteen hundred) upon Manhattan Is-

land, Staten Island, and the western shore of the bay, lasting three days, during which time the Dutch lost 250 people, either killed or taken prisoners, 28 boweries, were burnt, &c. [O'Callaghan N. Y. p. 29.] The Indians of Hackensack and Ahasimus were involved in this affair, but the natives of New Jersey don't seem to have been connected with the other disturbances. Winfield, Hudson Co. pp. 54-56.

we may not wonder at the slow progress made by the settlements in East Jersey.¹

In 1660 and in 1664, treaties of peace and amity were concluded, and a friendly intercourse established upon a more permanent basis.

LIST OF PATENTS issued by the Dutch Government from 1630 to 1664,² for lands in East Jersey, from the general list given by Dr. O'Callaghan in the History of the New Netherlands, "rendered as complete as the Books of Patents now admit of:"

<i>Names of Patentees.</i>	<i>Description of Location.</i>	<i>Date.</i>
Michel Pauw,	Hobocan Hacking, Pavonia,	July 13, 1630.
" "	Ashasimus,	Nov. 22, "
Heer Nederhorst,	A Colonie West side of the Hudson,	— 1641
Jacob Jacobsen Roy,	Constaples Hoeck, Achter Kul,	— 1646
Egbert Woutersen,	Apopcalyck near Gamounapan,	May 10, 1647.
Maryn Adriaensen,	A plantation, Awiehacken,	May 11, "
West India Co.	An Indian tract, Wechquaesqueeck,	July 14, 1649.
Augustine Heermans,	" " Raritans,	Mar. 28, 1651.
Corns. Van Werckhoven.	A Colonie, Neversings,	Nov. 7, 1651.

¹ The abandonment of the plantations at Communipaw in 1651 or 1655, has been noticed, [p. 22]; and in 1656, Nicholas Verlett, of Hoboken, asks permission for six or eight soldiers for his defence; but his request was denied for fear of a collision with the Indians, who already, it is said, had twenty children in their possession, for the recovery of whom, negotiations were then pending. [Albany Records, XI. p. 325.] Verlett, at this time, also asks permission to transport to New

Amsterdam from Hoboken a frame house which he had sold Michael Jansen for 230 guilders.

² Mr. C. H. Winfield's History of the Land Titles of the Hudson County is a valuable guide in locating these and other tracts. It is to be regretted that similar works for other counties have not been prepared. Mr. Winfield's subsequent History of Hudson County furnishes a minute, well-digested account of the settlement of that portion of the State.

Jacob (Van Hoorn) Walingen,	25 Morgens ¹	Behind Kill Van Kull,	Bergen.	Oct. 23, 1654.
Michel Jansou,	26½	" "		" 27, "
Claes Jansen Bakker,	40	" "		" 27, "
Jan Cornelissen Bugs,	25	" "		Dec. 4, "
Jan Lubbertsen,	25	" "		" 5, "
Jan Gerrits Van Immen,	25	" "		" 5, "
Jan Corns. Schoonmaker,	25	" "		" 5, "
Gerrit Pietersen,	25	" "		" 5, "
Lubbert Gysbertsen,	25	" "		" 5, "
Jan Cornelisen Crynne,	25	" "		" 5, "
Gysbert Lubbertsen,	25	" "		" 5, "
Hendrick J. Van Schalckwyk	25	" "		" 5, "
Town of Bergen,	Township Pavonia,			Sept. 5, 1661.
Ido Cornelis Van Vorst,	A lot Ahasimus,			Apr. 5, 1664.

THE MAP facing the title, is from Vanderdonck's Map of New Netherlands (1656), which was the foundation of Ogilby's map (1671), and others published subsequently. There were several maps previously published which profess to delineate the ocean line, but none of them made any approach to accuracy. Besides one published in Amsterdam by Nicholas J. Vischer, anterior to the appearance of Vanderdonck's, were the following: In 1614, five years after the discovery, and in 1616, "*Cartes Figurative*," were issued, that are now in the Royal Archives at the Hague, and of which *fac-similes* are given in the New York Colonial Documents, I, pp. 10, 13. In 1621 "*Americæ Septentrionali, Pars*," was published by H. Jacobs. In 1631, an Italian by the name of Lucini, added another to the list, and so did Joannes Janzines at an uncertain date.

Trusting to these early delineations as giving the true courses of rivers, positions of settlements, and other localities, the old writers upon America, formed their opinions and gave their descriptions accordingly; not having always the advantage of personal examination to test their accuracy. Consequently topographical errors of great magnitude exist in some works, casting a shade of doubt over other portions which are deserving of credit. For example, Oldmixon says: "The river Esopus, *between this province* [New Jersey] *and New York*, flows into Hudson's river near Kingston;" and

¹A Morgen, about 3 acres.

Wynne, in his History, says: "*West Jersey has an easy communication by the river Esopus with New York.*" Incomprehensible statements, until we examine these early maps, on which we find that the Esopus river is represented as connecting the Delaware with the Hudson, affording an uninterrupted water communication. So, too, Ogilby, although in possession of Vanderdonck's map, says: "Among the streams, the Manhattan, or Great River, is by far the chiefest, as with two wide mouths *washing the mighty island Matouwacs* [Long Island] it empties into the ocean. The *southern mouth* is named Port May, or Godyn's Bay"—the other being Long Island Sound. These instances exemplify sufficiently the service such maps are calculated to render to those engaged in historical researches, by affording clues to otherwise unaccountable descriptions.

PERIOD II.

FROM THE SURRENDER OF THE COUNTRY TO THE ENGLISH,
UNTIL THE SALE TO THE TWENTY-FOUR PROPRIETARIES.

1664—1682.

BEFORE the Duke of York was actually in possession of his easily-acquired territory, on the twenty-third and twenty-fourth of June, 1664, he executed deeds of lease and release to Lord John Berkley, Baron of Stratton, and Sir George Carteret, of Saltrum in Devon,¹ granting to them their heirs and assigns, all that portion of his tract "lying and being to the westward of Long Island and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson's river, and hath upon the west, Delaware bay or river, and extending southward to the main ocean as far as Cape May, at the mouth of Delaware bay; and to the northward, as far as the northernmost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a straight line to Hudson's river, in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of *New Cesarea*, or *New Jersey*."²

¹ See Note at the end of this chapter. release, are in the Library of the N.

² New Jersey Grants and Concessions, p. 10. The original lease and J. Hist. Society.

The name of "Cæsarea" was conferred upon the tract in commemoration of the gallant defence of the Island of Jersey, in 1649, by Sir George Carteret, then its governor, against the Parliamentarians; but the people preferred the English name of *New Jersey*, and the other was consequently soon lost.

The grant of the Duke of York from the crown,¹ conferred upon him, his heirs and assigns, among other rights appertaining thereto, that most important one of government; the power of hearing and determining appeals being reserved to the king; but, "relying," says Chalmers, "on the greatness of his connection, he seems to have been little solicitous to procure the royal privileges conferred on the proprietors of Maryland and Carolina," whose charters conferred almost unlimited authority. "And while as counts-palatine they exercised every act of government in their own names, because they were invested with the ample powers possessed by the prætors of the Roman provinces, he ruled his territory in the name of the king."² In the transfer to Berkley and Carteret, they, their heirs and assigns, were invested with all the powers conferred upon the duke, "in as full and ample manner" as he himself possessed them; including, as was conceived, the right of government although not expressly designated: thus transferring, with the land, the allegiance and obedience of the inhabitants, in a way little in accordance with modern ideas of what constitute the just rights of mankind; particularly so, as the proprietaries seem to have regarded this

¹ N. J. Grants and Concessions, p. 3.

² Chalmers' Annals, p. 613.

assignment of government more as an absolute grant, uncontrollable by superior authority, than as an investiture of power, for the exercise of which they were to be held responsible.

Lord Berkley and Sir George Carteret, now sole proprietors of New Jersey, on the 10th of February, 1664, O. S.,¹ signed a constitution, which they made public under the title of "The Concessions and agreement of the Lords Proprietors of New Jersey, to and with all and every of the adventurers, and all such as shall settle and plant there." This document must ever possess great interest in the estimation of the citizens of New Jersey, containing, as it does, the germ of those republican principles for which the state has ever been distinguished, and of many of the institutions which exist to the present time. "The Concessions," as this paper was generally called, were always looked to with respect by the people, being regarded as the great charter of their liberties, sacred and irrevocable, and therefore, of higher authority than the acts of their assembly, which were subject to repeal and alteration.²

The government of the province was confided to a governor, and a council of advice and consent, of not less than six, nor more than twelve, to be chosen by the governor; and an assembly of twelve representatives, to be chosen annually by the freemen of the province. The governor and council were invested

¹ Gordon, copying Grahame's first edition, pronounces this date "erroneous, unless we suppose the instrument was prepared before the charter from the King," forgetting that the legal year then commenced on the

25th of March, and that, consequently, February, 1664, instead of *preceding*, was *eleven months subsequent* to the date of the duke's grant.

² Chalmers' Annals, p. 615.

with power to nominate, commission, and remove all officers,—freeholders alone to be appointed to office, unless by consent of the assembly,—and to exercise a general supervision over all courts and executors of the laws. They were to direct the manner of laying out the lands, and were not to impose, nor suffer to be imposed, any tax upon the people not authorized by the general assembly.

The assembly were authorized to pass laws for the good government of the province, which, with the approbation of the governor, were to remain in force for one year,¹ within which time, they were to be submitted for the approval of the lords-proprietors; to levy taxes, to create ports, to build forts, to raise militia, suppress rebellion, and make war, to naturalize strangers, and to apportion lands to settlers. Should occasion require, communications could be made by the representatives, touching the conduct of the governor and council or any other grievance, directly to the lords-proprietors. To encourage planters, every freeman who should embark with the first governor, or meet him on his arrival, provided with a “good musket, bore twelve bullets to the pound, with bandeliers and match convenient, and with six months’ provisions for himself,” was promised one hundred and fifty acres of land, and the like number for every man-servant or slave, brought with him, provided with the same necessaries. To females over the age of fourteen, seventy-five acres were promised, and a

¹In the governor’s instructions, this time was extended to one year and a half. But the laws were required to be transmitted within the year for ap-

proval. After approval, their duration was unlimited, except by their own provisions.

similar number to every Christian servant, at the expiration of his or her term of service. Those going before the first of January, 1665-6, were to receive one hundred and twenty acres, if master, mistress, or able man-servant or slave; and weeker servants, male or female, sixty acres. Those going during the third year, three-fourths, and during the fourth year, one-half of these quantities.¹ On a failure to people their respective tracts within three years, the proprietors reserved the right of conferring them on others.

In the laying out of towns and boroughs, the lands were to be divided into seven parts, one of which the proprietors reserved for themselves, the remainder was to be divided among the settlers thereon. Every person to whom land should become due, in order that the title thereto should be perfect, was to receive from the governor a warrant directed to the Surveyor

¹ When we consider what public sentiment was, at the time, in relation to slavery, there seems to be unauthorized harshness in the rebuke of Lords Berkley and Carteret, in Bancroft's *Hist. U. S.*, [II. p. 316, ninth edit.,] where he says they, "more true to the prince" [the Duke of York, President of the Royal African Co.] "than to humanity, offered a bounty of seventy-five acres for the importation of each able slave;" particularly so, as by separating this bounty from the others in the Concessions, an erroneous impression is conveyed; the proprietors being impliedly charged with encouraging a direct traffic in slaves. But there is nothing indicating that such was their intention. The decrease in the quantity of land, to those going

after the first year, is an indication that subserviency to the duke's interest in the African Company, was less their object than the rapid translation of settlers and laborers to their province. The grants of land promised to such servants or slaves as should embark with the governor, certainly could not have applied to such of the latter as were not then actually held to service in England or Scotland; and there is nothing to prove that the grants for subsequent years had reference to any other, but rather the reverse. Whether any slaves were actually brought to New Jersey under the Concessions is uncertain, but if so, they must have been very few in number, and probably none were directly imported from Africa for some years thereafter.

General, to lay out, limit and bound each tract, which being done, a grant or patent was to be issued therefor, signed by the governor and the major part of the council. For the lands thus granted, a yearly quit-rent was to be paid, of not less than one half penny per acre; the payment of which, however, was not to commence before the year 1670. Each parish was to receive two hundred acres for the use of its ministers. Liberty of conscience was guaranteed to all becoming subjects of England, swearing allegiance to the king and faithfulness to the lords-proprietors, provided that liberty was not used "to licentiousness, to the civil injury, or outward disturbance of others;" and the assembly of the province was authorized to appoint as many ministers as should be thought proper and provide for their maintenance;—permission being given, at the same time, to any person or persons, to keep and maintain such ministers as they might prefer. Such were the principal provisions of the fundamental constitution of the province.¹

On the same day that this instrument was signed, Philip Carteret, a distant relative of Sir George, received a commission as governor of New Jersey, and instructions relative to the administration of the office.² Preparations were immediately made for the departure with all such as were willing to accompany him to the western world. The ship *Philip* having on board about thirty people, some of them

¹ For the document at length, see E. J. Records. Smith's N. J. p. 512. Grants and Concessions, p. 12. An early copy on parchment, a roll nearly nine feet in length, is in possession of the New Jersey Historical Society.

² Grants and Concessions, pp. 26-31

servants,¹ and laden with suitable commodities, sailed from England in April,² and arrived in safety at the place now known as Elizabethtown Point, or Elizabeth Port, in August of the same year.³ What circumstance led to the governor's selection of this spot for his first settlement, is not definitely known, but it was, probably, the fact of its having been recently examined and approved of by others. He landed, and gave to his embryo town the name of *Elizabeth*, after the lady of Sir George.⁴

The governor found at this place a settlement of four families already established, for the existence of which, it is necessary to account.

The transfer of New Jersey to Berkley and Carteret, was made subsequent to the departure of Colonel Nicolls from England, and no notification of it having been sent to him until November 28th, 1664,⁵ he believed the whole territory which had borne the name of New Netherlands, to be included within the limits of his government, for such were the provisions of his commission;⁶ and, having published "Conditions for new plantations," they were considered ap-

¹ In 1675, Carteret entered a claim for lands under the Concessions for eighteen, whose names are given, E. J. Records, Lib. III, back part p. 2. Hatfield's *Elizabeth*, p. 55.

² Hatfield's *Elizabeth*, p. 49.

³ The vessel is first heard of as being in Virginia in May, and she arrived at New York on 29th July. Mass. Hist. Coll., 3d ser., X, p. 51. N. Y. Col. Doct's. III, p. 103. N. Y. Hist. Soc. Coll. 1869, p. 74.

⁴ Bill in Chancery, p. 28. Smith's N. J., p. 67. The defendants, in their

answer to the bill in Chancery, p. 20, deny that the place was named by Carteret; giving to the first settlers the credit of naming it after "the renowned Queen Elizabeth." This, however, was an after thought, when the proprietors and all to them belonging were little regarded.

⁵ Grants and Concessions, p. 31. When the information reached him is uncertain. N. Y. Col. Docts., III, p. 105.

⁶ Grants and Concessions, p. 665.

plicable as well to the portion composing New Jersey, as to the rest of the country granted to the duke. These conditions were of a liberal character,¹ and individuals from Long Island and New England, began to turn their attention towards the rich lands of East Jersey, so advantageously situated and susceptible of improvement at comparatively little cost. Governor Nicolls, himself, held them in high estimation, and conferred upon the territory the name of "Albania"² after one of his master's titles. He regarded it as including "all the improvable part" of the duke's grant, "preferable to all the remaining tracts" in many respects; and on learning that it had been transferred to others, remonstrated strongly against the measure.³

On the twenty-eighth of October, 1664, John Bailey, Daniel Denton, and Luke Watson, under permission from Governor Nicolls, obtained from the Indians, a deed for all the land, "bounded on the South by a River commonly called the Raritan River, and on the East, by the River which parts Staten Island and the Maine, and to Run Northward up After Cull Baye, till we come to the first River, which settts Westward out of the Bay aforesaid, and to runn, Westward into the Country, twice the Length as it is Broad from the North to the South of the aforementioned bounds."⁴

The consideration received by the Indians for this

¹ Smith's N. Y., I. p. 35. Answer to Bill in Chancery, p. 6. Grants and Concessions, p. 667. time, "at first," it was called *New Canary*.

² Chalmers' Annals, p. 624. See

³ Nicoll's Letter in N. Y. Col. Docs. Note C.

III. p. 105. Smith states that for some ⁴ E. J. Records, B. p. 181.

tract was "Twenty fathom of trayden Cloth, two made Cotes, two gunnes, two kettles, ten barres of Lead, twenty handfulls of Powder, foure hundred fathom of white wampom, or two hundred fathom of black wampom;" the whole valued at £36 14s.¹ The grantors were Mattano, Manamowaone, and Cowescomen, of Staten Island, but the deed was only signed by *Mattano*. Governor Nicolls confirmed the grant on the second of December.²

¹ Bill in Chancery, p. 30.

² Bill in Chancery, pp. 25, 26. Grants and Concessions, pp. 669-673. Hatfield, p. 31. The signers to the application to Gov. Nichols for permission to purchase, which was dated Sept. 25th, 1664, were *John Bailey, Daniel Denton, Thomas Bennydict, Nathaniel Denton, John Foster, and Luke Watson*. The permission to purchase was granted Sept. 30th, but the only persons specifically named in the deed from the Indians were *Bailey, Daniel Denton, and Watson*, as stated in the text. The deed was confirmed by Nicolls Dec. 2d to *Bailey and Watson*, of Jamaica; Capt. John Baker, of New York; John Ogden, of Northampton; "and their associates." It is doubtful if any others were directly interested at the time. [See Note E. Hatfield, p. 29.] "They say in their application, that they had made some arrangements for planting on Arthur Cull bay, in the time of the Dutch, but obstacles had been thrown in their way. This seems to refer to the application of John Stuchlin, in 1661, [N. Y. Col. Docs. IX. p. 639. Newark Bicentennial, p. 157.] The Answer to the Bill, [p. 7,] states that Baker and Ogden bought Daniel Denton's interest, but Baker probably was allowed an interest in consideration of his services

as interpreter. Denton, in 1670, published, in his own name, "A Brief Description of New York, formerly called New Netherlands, with the places thereunto adjoining," &c., which has been quoted from in the foregoing pages. Ogilby availed himself largely of Denton's book, in the composition of his large work on America when treating of this portion of the continent, and without acknowledgment. The work in the original editions is very rare, but has been reprinted in a pamphlet form, by the Historical Society of Pennsylvania, and also, with notes, in New York. Denton was the oldest son of the Rev. Richard Denton, the first minister at Hempstead, and came with his father from Stamford, in 1644; he afterwards assisted in the settlement of Jamaica, and was a magistrate there. [Thompson's Long Island, I. p. 80. Hatfield, p. 60.] Luke Watson removed to Pennsylvania in 1676, and was a member of the Council of that Province from 1684 to 1686. On the 10th of May of the latter year, in consequence of some imputations on his moral character and conduct, he was suspended. He was elected, however, to the Assembly, in 1687; and in 1688, having been re-elected to the Council from Sussex County, he was allowed to take his seat after producing

It will be observed, that the bounds of this purchase are similar to those of Augustine Herman's in 1651, and "unfortunately for his business character," as Gordon remarks, Mattano, in the conveyance to Herman, had already parted with his right to the lands in question.¹ But, as Bailey and his associates² had acted with good faith in making the purchase, and had received the confirmation of Governor Nicolls, while yet unacquainted with the fact that the country was no longer part of his government, or subject to his control; they were not disposed to waive the rights they presumed they had acquired: and, for many years, the peace of the province was destroyed by the contention which ensued between them and their descendants, and those claiming under Berkley and Carteret. The four families, found at Elizabethtown, by Carteret, were the pioneers of the Jamaica colony; and, their claim to the soil does not seem to have prevented a harmonious co-operation with the governor in forwarding the prosperity of the new settlement. It is probable, that neither party anticipated the litigation that would ensue, or that,

certificates "clearing himself." He served also the following year. In 1693 he took the oaths as Justice of the Peace for Sussex County, Del., where he had an improved plantation. He deeded all his rights in East Jersey to Wm. Penn, July 5th, 1683. [E. J. Records, C. p. 228.] Luke Watson, Jr., served in the Assembly from the same county, afterwards, and in August, 1703, was appointed Sheriff. Penna. Col. Records, Vol. I.

¹ His associate in the first deed was *Appamanskoeh*, and they signed for

themselves, and in behalf of *Memecuan* (the same, probably, as one of the grantors to the second deed) *Warritschen*, *Eucklien* and *Mechwoch*.

² It was subsequently claimed that there were eighty in all; but the proprietors assert, positively, in all their publications, and there is confirmatory evidence, that there were not more than four families on the ground when Carteret arrived: those that came subsequently, locating under the Concessions. See N. J. Hist. Soc. Pro. 2d Ser. I. p. 162, and Not. E

where vacant land was so plentiful and easy to be obtained, serious dissensions would arise respecting the occupancy of an inconsiderable portion, like the tract upon which they had entered.¹

On the 8th April, 1665,² Governor Nicolls confirmed another purchase of lands lying near "Sandy Point" [Sandy Hook], to William Goulding (or Goulder), Samuel Spicer, Richard Gibbons, Richard Stout,³ James Grover, John Bound (or Bowne), John Tilton, Nathaniel Sylvester, William Reape, Walter Clark, Nicholas Davis, and Obadiah Holmes; "beginning at a certain Place commonly called or known by the Name of Sandy Point and Running along the Bay West North-West till it comes to the Mouth of the Raritan River, from thence going along the said River to the Westernmost part of the certain Marsh Land which divides the River into two Parts, and from that Part to run in a direct South West Line into the

¹ The Long Islanders appear to have acknowledged the authority of the governor from the first, and many of those who afterward became parties to the suit in chancery, complied with the regulations of the proprietors for laying out their lands, excepting the requisitions relating to patents and quit-rents. In their answer to the Bill, [p. 20,] the defendants say—accounting for the unanimity which prevailed, as noticed in the text—that, on the arrival of Governor Carteret, he was informed by the people he found in Elizabethtown of their right to the lands; that he approved of the same, and "went up from the place of his landing to the town, carrying a hoe on his shoulder, thereby intimating his intention of becoming a planter with them." A much

more likely cause for the unanimity that prevailed, is the probability mentioned in the text. The magnitude of the interests at stake were not at first so well discerned, as they were subsequently, by either the governor or the first settlers. See Notes D and E.

² It is to be noticed that, although Gov. Nicolls had been informed, under date of Nov. 28th, 1664, of the transfer of New Jersey, to Berkley and Carteret, the information seems not to have reached him up to the date given in the text.

³ From Smith's New Jersey, [p. 65;] it is probable this was the progenitor of most of the Stouts in New Jersey; and, see Trenton State Gazette, Dec. 13th, 1842.

Woods Twelve Miles, and then to run away South East and by South till it falls into the Main Ocean.”¹ The grantees were, principally, from the west end of Long Island, their attention being first directed to the location by the persecution to which some of them, who were Quakers, were subjected to during the Dutch administration.² This grant led to the settlement of Middletown and Shrewsbury. It was disallowed by the Duke of York, as well as that of Elizabethtown,³ but subsequently, for reasons that will appear in the course of the history, Governor Carteret and council thought it advisable to compro-

¹ Grants and Concessions, 661, &c. Answer to Bill, p. 14. It would seem, from a letter or affidavit, of Richard Hartshorne, in Smith's N. J., [p. 63, *note*,] that although these lands were confirmed by Nicolls as having been purchased of the Indians, such was not the fact at the time. Hartshorne, to prevent the destruction of his property had to purchase his ground of the Indians after he became a settler. Subsequently, several families from New England went to Shrewsbury. Smith's N. J. p. 62.

² The intentions of the English at Gravesend to purchase lands in New Jersey, were complained of by Stuyvesant in 1664, [N. Y. Col. Docs. II. pp. 231, 397, 398,] and in Note B will be found an account of the measures taken to prevent some of those named in the text from doing so in the December previous. The Minutes of the Dutch Council and other documents at Albany, (the Calendars edited by Dr. O'Callaghan giving numerous references to the facts) show how several of them suffered from the harshness

of the ordinances issued, as early as 1656, and renewed in 1662 and 1663, against conventicles and unauthorized preachers, and particularly the “abominable imposters, runaways, and strolling people called Quakers” John Bowne was fined for lodging them and assisting at their meetings, and not paying his fine, was banished. John Tilton, who was town clerk of Gravesend as early as 1655, was in 1658 fined harboring some of “the abominable sect,” and in January, 1661, was banished the province—but returned to it on the arrival of the English. He did not become a resident of New Jersey, and died in Gravesend in 1688. Samuel Spicer was arrested and fined for attending their meetings, and the people of Jamaica had soldiers quartered among them to prevent the succoring of any of the hated sect. So great was the vigilance observed that, on one occasion, the “arrest” of a Quaker's cloak at Gravesend was formally announced.

³ Bill in Chancery, p. 35. Grants and Concessions, p. 31.

mise with the claimants, by confirming the local privileges granted by Governor Nicolls.¹

Governor Carteret, so soon as he became established at Elizabethtown, sent messengers to New England and elsewhere, to publish the concessions of the proprietors and to invite settlers. In consequence of this invitation and the favorable terms offered, the population of the province was soon largely increased; Elizabethtown and the surrounding country receiving, probably, the greatest accessions, until other locations could be selected. The ship Philip, in which the governor had come from England, returned thither in about six months, and the next year brought out "more people and goods," on account of the proprietaries; and other vessels similarly laden, followed from time to time.²

Governor Carteret and John Ogden, having purchased the individual claims of Denton and Bailey,³

¹ These were—1. To dispose of their lands as they chose. 2. No one to be obliged to support a clergyman. 3. All causes, not criminal in their nature, to be heard within their cognizance, and no appeal to a higher court allowed where the sum at issue did not exceed ten pounds. 4. Criminal cases and matters above ten pounds, to be determined in higher courts, and appeals to his majesty not to be hindered. 5. The proprietors to have the right of nominating two persons, one of whom, to be selected by the governor, to fill each commissioned office whether civil or military. 6. They were authorized, together with the major part of the settlers, to make such "prudential laws" among themselves as they might deem necessary. Answer to Bill, pp. 14, 15. Grants and Concessions, p. 663.

Albany Records, XXII. pp. 433, 435, 436.

² Bill in Chancery, p. 28. Douglas' Summary, II. p. 268. Douglas says that Carteret made a visit to England six months after his arrival. He gives no authority, and there seems to be no grounds for the assertion. N. J. Hist. Soc. Pro. 2d Ser. I. p. 153.

³ Bill in Chancery, p. 29; E. J. Records, B, p. 182. This proceeding of Carteret—purchasing an interest in the Nicolls grant—afforded a strong point in the defence of the first settlers, in as much as they argued therefrom his acknowledgment of the justness of their claims under that grant. See N. J. Hist. Soc. Pro. 2d Ser. I. p. 167, for an explanation of the purchase, and Note E.

they in conjunction with Luke Watson, on the 21st May 1666 entered into an agreement, with Daniel Pierce and his associates, for settling two townships; and on the 11th December, 1666, in consideration of the sum of £80 sterling, they transferred to Pierce for that purpose, one half of the tract "known as Arthur Cull or Amboyle," as originally granted by Governor Nicolls; extending from the Raritan to Rehawack-river, and running back in to the country according to the Indian deed.¹ This deed was confirmed by another of similar tenor, dated 3d December, 1667; on the back of which, Pierce endorsed the names of those interested with him in the grant "that is for the accommodating of the Towne now called Woodbridge;" he to have the first choice. His associates were Joshua Pierce, John Pike, John Bishop, Henry Jaques, and Hugh March (or Marsh), of Newbury; Stephen Kent, of Havalhill; Robert Dennis, of Yarmouth, and John Smith, of Barnstable, in New England.²

On the same day, Pierce was commissioned as deputy-surveyor, to lay out the bounds of Woodbridge; and the proportion of land belonging to each individual; and on the 1st June, 1669, he and his associates received a charter, which erected the tract of land therein described (said to contain six miles square) into a township, to comprise not less than sixty families.³ On the 18th December, 1666, a week after he

¹ Whitehead's Amboy and Surrounding Country, pp. 2d 355. See Note F.

² E. J. Records, B, p. 182; and see Note E.

³ E. J. Records. Bill in Chancery,

p. 31. See Note G. Elizabethtown, by a resolution, passed "at a meeting court," February 19th, 1665-6, was to consist of eighty families. See Bill in Ch. p. 32, and answer to Bill, pp. 23,

had obtained his first conveyance, Pierce transferred to John Martin, Charles Gilman, Hugh Dunn, and Hopewell Hull, one-third part of the land he had thus acquired ; and they and their associates founded the town of Piscataway.¹

Newark was first settled in 1666, and on the 11th July, 1667, Obadiah Bruen, Michael Tompkins, Samuel Ketchell, John Browne, and Robert Denison, purchased from the Indians² a tract of land "bounded and limited with the bay eastward, and the great river Pesayak northward ; the great creek, or river in the meadow, running to the head of the cove and from thence bearing a west line for the south bounds, which said great creek is commonly called and known by the name of Weequahick ; on the west line, backwards in the country to the foot of the great mountain," [by a subsequent deed, dated 13th March, 1677-8, the limits were extended to the *top* of the mountain for two guns, three coats and thirteen cans of rum,] "called Watchung, being, as is judged, about seven or eight miles from Pesayak Towne. The said mountain, as we are informed, hath one branch of Elizabethtown river running near the above said foot of the mountain. The bounds northerly up Pesayak river, reach to the third river above

24, for manner of apportioning lands there.

¹ Bill in Chancery, p. 30. Whitehead's *Amboy, &c.* p. 401. The circumstances connected with the settlement of these two towns, throw much light upon the disputed points in the set-

tlement of Elizabethtown. See Note E.

² The grantors were *Wapumuk, Harish, Captamin, Sessom, Mamustome, Peter, Wamesane, Wecaprokikan, Cackackque, Perawae*. No record has been found of the first deed or agreement under which the settlement was made.

the town. The river is called Yauntakah, and from thence, upon a northwest line to the aforesaid mountain.”¹ The consideration for which this tract,—now so highly cultivated, and adorned with snug cottages, costly villas, thriving towns, besides an ever growing city,—was relinquished by the Indians, consisted of fifty double-hands of powder, one hundred bars of lead, twenty axes, twenty coats, ten guns, twenty pistols, ten kettles, ten swords, four blankets, four barrels of beer, ten pair of breeches, fifty knives, twenty hoes, eight hundred and fifty fathom of wampum, twenty ankers of liquors, or something equivalent, and three troopers’ coats.²

The settlers of Newark were from the towns of Guilford, Brandford, Milford, and New Haven, in Connecticut. The visit of Governor Carteret’s agents, and the proclamation of the “Concessions” of the lords-proprietors, had drawn the attention of the inhabitants of those towns to New Jersey, and persons were sent soon after to explore the country. Their report was of such a favorable character, particularly as related to the district “beyond the marshes lying to the north of Elizabethtown,” that arrangements were immediately made for the foundation of a settlement, by authorizing the selection and purchase of a suitable site.³

¹ E. J. Records, B. p. 68.

² The above is extracted from the deed as it appears on record; but Gordon, in his Gazetteer of the State, says the consideration was £130 New England currency, twelve Indian blankets, and twelve Indian guns. The goods may have been valued at £130.

³ See Whitehead’s Bi-centennial Memoir, p. 28. The prior intention of a settlement on the Delaware, there asserted, is confirmed by a recent discovery of a copy of a letter from Carteret written 27th, Feb. 1665, to the parties interested. See Note H.

The tract for the settlement was selected under some expectation that Governor Carteret would have cleared it from all claims of the Indians; but this he was not authorized to do; and on the arrival of the first party of thirty families early in 1666, they were warned off the ground by the Hackinsack Indians, and obliged to relade their goods on board their vessels until an understanding with the claimants could be had.¹ Some disposition was evinced to abandon the enterprise altogether, but at the solicitation of the governor and others, a council was held with the natives, and an arrangement entered into, which resulted in the purchase already mentioned.²

The first immigrants were from Milford and neighboring plantations in Connecticut; but, on the 21st of May, 1666, it was agreed, at a meeting held "near to Elizabethtown and the Town Plotts on Passaic river," at which the agents of Guilford and Brandford were present, that, should an intimation to that effect be received before the following November, the associates from all the plantations should constitute only one township, "to be of one heart and consent with God's blessing in endeavoring to carry on their spiritual concernments, as well as their civil and town affairs, according to God and a godly government."³

¹ The objections of the Indians were owing, apparently, to the failure on the part of Treat to deliver a letter to them with which he was charged by Carteret. Bill in Chancery, p. 118, and see Note H.

² Edsall's and Treat's affidavits. Bill in Chancery, pp. 117, 113. Whitehead's Memoir, pp. 32-34.

³ Town Records. Whitehead's Memoir, pp. 34, 35. This meeting appears to have been held on board the vessels while awaiting the settlement with the Indians. The compilers of the article "Newark," in Gordon's Gazetteer, argue from this document that there were distinct settlements formed by the immigrants from the different

Previous to their embarkation for their new homes, the emigrants from Brandford held a public meeting, (October 30th, 1666,) at which they adopted "two fundamental agreements, touching their intended design;" in accordance with the terms of the agreement of May 21st, and it may be added, in accordance also with the spirit of sectarianism and intolerance which then so generally prevailed among the Puritans of New England. They were as follows:

"1st. That none shall be admitted freemen or free Burgesses within our Town, upon Passaick River, in the province of New Jersey, but such planters as are members of some or other of the Congregational

towns; but the author conceives that at this period there was but one; the object of the agreement being to ensure an amalgamation with the first companies of those who should succeed them within the time specified. Among the other questions brought up in the controversy between the proprietors and the Elizabethtown claimants, was that of the settlement of Newark; whether it was made under the Elizabeth Indian purchase or under the authority of the proprietors. In the Answer to Bill in Chancery, p. 47, (and see Bill, p. 67,) the affidavit of Joseph Woodruff, an old man, is given in relation to the matter, in which he states "he had heard Governor Treat (of Connecticut) tell after what manner the line was settled between the two towns; and that it was done in so loving and solemn a manner that he thought it ought never to be removed; for he (the governor) himself being among them at that time, prayed with them on Dividend Hill (so called) that there might be a good agreement be-

tween them; and that it was agreed upon by the settlers of each town that the line between them should stand and remain from Dividend Hill, to run a northwest course; and the governor said that, after the agreement, Mr. John Ogden, (being one of the first purchasers) prayed among the people, and returned thanks for their loving agreement." It is gratifying to know that the hope of these worthy men was realized, "Dividend Hill" having been recognized for many years as one of the chief marks of the boundary between Elizabethtown and Newark and subsequently between Elizabethtown and Clinton; and the passer from one to the other, as he crosses the stream known as Bound Creek (from the line's following its course to the bay), may see near its head the scene of this "loving and solemn" proceeding—the hill sanctified by prayer. See Town Records, p. 8, for the certificate of the bounds agreed upon. This was May 20th, 1668.

Churches; nor shall any but such be chosen to Magistracy, or to carry on any part of Civil Judicature, or as deputies or assistants to have power to Vote in establishing Laws. and making or Repealing them, or to any Chief Military Trust or office. Nor shall any But such church members have any Vote in any such elections: Tho' all others admitted to Be planters have Right to their proper Inheritances, and do and shall enjoy all other Civil Liberties and Privileges, According to Laws, Orders, Grants, which are or hereafter shall Be Made for this Town.

"2d. We shall with Care and Diligence provide for the maintenance of the purity of Religion professed in the Congregational Churches."

These articles, which throw no small light upon the characters of the founders of the leading city in New Jersey, were subscribed by twenty-three heads of families, and subsequently, by other settlers.¹

The town, in 1667, received the name of Newark, from the Rev. Abraham Pierson, its first minister, who had been ordained at Newark in South Britain.²

¹ See Town Records, p. 2. Whitehead's Memoir, p. 40. The document is headed with references to Deut. i. 13. Exodus, xviii. 21. Deut. xvii. 15. Jeremiah, xxx. 21; texts which read as follows: "Take you wise men and understanding, and known among your tribes, and I will make them rulers over you." * * * "Moreover, thou shalt provide out of all the people, able men, such as fear God, men of truth, hating covetousness, and place such over them to be rulers of thousands and rulers of hundreds, rulers of fifties, and rulers of tens."

* * * "Thou shalt in any wise set him king over thee whom the Lord thy God shall choose: one from among thy brethren shalt thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother." * * * "And their nobles shall be of themselves, and their governor shall proceed from the midst of them." The whole document presents a marked contrast to the liberty of conscience guarantied by the proprietors in their "Concessions."

² Stearn's Hist. First Church, Newark.

A commission for a Court of Judicature was granted to Bergen, Aug. 30th, 1665,¹ and on the 22d September, 1668, it received a charter, in many respects similar to that of Woodbridge;² and, as the country became known, grants for lands in various quarters multiplied rapidly. Among those which may have led to the foundation of towns, besides some made "in the time of the Dutch," which were confirmed; the following may be specified.

Oh March 31st, 1663, a tract "between Haasinus and Jan de Lackers Point," was granted to Ide Cornellison Van Vorst: and on May 12th following, Nicholas Verlett, at that time one of Governor Carteret's council, received a confirmation of a grant for two hundred and seventy-six acres, called "Hobookken." He first settled there some time previous to 1656;³ although, as has been stated, his grant from the Dutch governor was not obtained until 1663.

On July 4th, 1668, all the meadows and upland lying south of a line drawn from the Hackensack to the Passaic seven miles north from their intersection, (comprising five thousand three hundred and eight acres of upland, and ten thousand of meadow,) were granted to Captain William Sandford, for £20 sterling per annum, for ever, in lieu of the halfpenny per acre; and on the 20th of the same month, Captain Sandford purchased the Indian title for "one hundred and seventy fathom of Black Wampum; two

¹ E. J. Records, Vol. II. p. 5. Capt. Gemounepaen, *Assistants*.

Nicholas Verlett, *President*. Herman Smeema (or Smeeman), Casper Steymets, of Bergen, Elias Michiels, of

² See Note I.

³ E. J. Records, B. p. 30. Albany Records, II. p. 325.

hundred fathom of White Wampum, nineteen match Coates, sixteen Guns, sixty double-hands of Powder, ten paire of Breetches, sixty Knives, sixty-seven Barres of Lead, one anker of Brandy, three half fats of Beer, eleven Blankets, thirty Axes, twenty howes, and two Cooks of dozens."¹ Of this Sandford, it is recorded, that he was not willing to "accept of any office in the commonwealth." Nathaniel Kingsland, sergeant-major of the island of Barbadoes, became interested in this grant, and from him the tract derived the name of "New Barbadoes."²

In June, 1669, Captain John Berry, and his associates, received a grant for lands adjoining Sandford's, extending north "six miles into the country;" he had also a grant for land on the Hudson, north of Hoboken.³

On the 12th of June, 1669, Govert Lookermans, and his associates, were confirmed in a purchase made by them of the Indian Remanatap, of several tracts and parcels of land "on the west side of Raritan's River, over against Staten Island."⁴

¹ These items are correctly copied from the records, but "cooks of dozens" are without doubt the recorder's translation of "*coats of Duffils*." "Match Coates" were probably *watch-coats* originally. A patent was issued by the lords-proprietors on 26th March, 1671, to Capt. Wm. Sandford in trust for Nathaniel Kingsland for the sum of £200. Kingsland and his wife Mary, on 1st of June, 1671, transferred to Sandford one-third of their right for the same sum, and this was confirmed by the governor and council, May 21st, 1673. E. J. Records. B. p. 131.

² The first settlers of New Barba-

does were Edward Ball, Nathaniel Wheeler, and one Baldwin, three of the first inhabitants of Newark; but they did not remain long, finding that Kingsland and Sandford had a prior claim to the land. Lindsley's Aff. Bill, p. 112. See Note at the end of this chapter for a further notice of these last-named gentlemen.

³ Berry became afterward a conspicuous character in the province, being left in charge of the government by Carteret, when the latter was obliged to leave for England, in 1672.

⁴ The Indians had names for all their various tracts not always the most eu-

A tract called New Hackinsack was granted January 6th, 1676.¹

On 27th October, 1677, Richard Hartshorne obtained a lease of three acres, with the privilege of the exclusive range of Sandy Hook for the benefit of his cattle, in consideration of his intention to establish a fishery at that point; the lords proprietors reserving the right to erect what fortifications there they might think proper.²

Captahem, an Indian sachem, on the 28th March, 1679, executed a deed for "Haquequenunk"³ to Hans Diderick, Gerritt Gerritsen, Walling Jacobs, Hendrick George and Company, of Bergen; and another deed from the governor and council for the same tract, with some slight variations in bounds, is dated March 16th, 1684.⁴

On the 1st of November, 1681, a tract where now

phonious; those above mentioned were called "Kaoumous Manopock Kickawaran, Mattawaok Hoppekouck. Toppecock, Sinckaroos, Connescenck Heromanick, and Conwerans." The grantee is the same individual whose voyage around Staten Island in 1663 is given in Note B.

¹ E. J. Records, Vol. II. Lib. I. part 2d, p. 140.

² Ibid. p. 91. Proud, in his History of Pennsylvania, I, p. 138, says this Richard Hartshorne came from London, September, 1669. He was a Quaker of good reputation and benevolent disposition; occupied several public stations in the early times of the province, and left many descendants. See Edmondson's Journal for some mention of him.

³ Afterward spelt "Aquequinunke,"

the origin of the modern *Aquackanonk*. There were Dutch residents there as early as 1640, Albany Records, Vol. II. p. 101.

⁴ The bounds of the first deed are "beginning from the Northernmost bounds of the town of Newark, from ye Lowermost part thereof to the uppermost, as far as the steep rocks or Mountains, and from thence to run all along the said Pisawyck River, to a white oak tree standing near the said river on the north side of a small brook, and from thence running up to the steep rocks or mountains," &c. The bounds of the second deed were somewhat similar, but the river line ran up to the "great falls," and so along the steep rocks to the Newark bounds. The consideration to the proprietors was £50 sterling, and an annual rent

stands New Brunswick, was granted to John Inians and Company.¹

The grants and purchases which have thus been specified, are all that have been noticed as being the probable foundations of towns or extensive settlements, during the administration of Governor Carteret; and we will now return to the consideration of the events which marked its course.

Recommended by its favorable position, immediately adjoining the already well-peopled province of New York,—offering to the settlers a market for their spare productions as well as for the results of their traffic with the Indians, and enabling them to obtain with comparatively little difficulty, all the necessaries they required,—New Jersey gradually obtained an enterprising and industrious population. The natives are almost uniformly mentioned as being a benefit rather than an injury to the new settlements, furnishing furs, skins, and game, the obtainment of which, without their intervention, would have been attended with difficulty and much loss of time. The different tribes being generally or entirely connected with, or subordinate to, the confederated Indians of New York, over whom the governors of that province exercised a controlling influence, the inhabitants of New Jersey enjoyed peculiar protection, although the effect of

of £14 sterling. E. J. Records, A. p. 163. The name of Hendrick George does not appear in the confirmatory deed, but in addition to the others we have *Elias Hartman, Johannes and Cornelius Machielson, Andrian Post, Urian Tomason, Cornelius Rowlafson, Simon*

Jacobs, John Hendrick Speare, Cornelius Lubbers and Abraham Bookey. These were principally from Bergen, then a chartered township of eleven years standing.

¹ E. J. Records, Vol. II. Lib. I. part 2d, p. 152.

kind treatment was such as mainly to render them independent of its exercise. The proprietors evinced no disposition to deprive the natives of their lands without making what to their untutored minds seemed adequate remuneration; they protected them from frauds by requiring all purchases of land to be made through the governor and council, and encouraged the exercise of justice, humanity and conciliation in all intercourse with them.¹ These circumstances preserved the province from those unhappy collisions, which had operated so materially to the disadvantage, oftentimes to the vital injury, of new settlements in other parts of the country, and of which the previous Dutch settlers had, as we have seen, had some experience.

These inducements, combined with a fruitful soil, a salubrious climate, and the liberal concessions of the proprietors, made a residence in New Jersey extremely desirable; and it is recorded by an old historian, that it was thought by some, even "worthy the name of paradise," because, in addition to its natural advantages, it had no lawyers, or physicians, or parsons.²

Not until the third year after his arrival did gov-

¹ "If our Governor and Councillors shall happen to find any Natives in our said Province and Tract of Land aforesaid, that then you treat them with all Humanity and Kindness, and not in any wise grieve or oppress them, but endeavor, by a Christian carriage to manifest Piety, Justice, and Charity, and in your Conversation with them, the Manifestation whereof will prove Beneficial to the Planters, and likewise

Advantageous to the Propagation of the Gospel." Instructions to Carteret, Grants and Concessions, p. 30.

² Oldmixon's Brit. Empire I, p. 144. The guarantee of liberty of conscience was one great inducement for emigration to New Jersey, particularly from New England, where the recollection of persecution at home, still lived vividly impressed upon the hearts and minds of the "exiles for conscience' sake,"

ernor Carteret consider the growth and circumstances of the province such as to require any legislation for the government of the people, other than the prescribed regulations of the lords proprietors. But, on the 7th of April, 1668, he issued his proclamation,¹ requiring the freeholders of each town to make choice of two able men who were freeholders and dwellers within their limits, to be their Burgesses and Representatives in a general assembly, to be held at Elizabethtown, on the 25th May. He had chosen for his council Captain Nicholas Verlett, Daniel Pierce, Robert Bond, Samuel Edsall, Robert Vauquellen,² and William Pardon; and had appointed James Bollen secretary of the province.

The proclamation of the governor being acted on, the first assembly in the history of New Jersey commenced its session on the 26th, and closed on the 30th May.³ During the session a bill of "pains and penal-

although in their own conduct disposed to be equally as intolerant. Wynne, in his *Genl. Hist. Brit. Emp.* [pp. 206, 207,] says, "It is pretended by some people that this heterogeneous mixture of different religions was probably encouraged by the Duke of York, that he might make an experiment of that *favorite* toleration which he afterwards, so fatally for himself, attempted to introduce into England." That toleration was a *favorite* idea of the Duke of York, sounds strangely.

¹ E. J. Records, II. Lib. 3.

² It is not certain that these were all qualified as subjects of the king of England. Mr. Vauquellen, a native of Caen, in France, although surveyor-general also, was not naturalized until 8th March, 1669-70. He came in the

"Philip" with Gov. Carteret, and was accompanied by his wife. His name is written and printed in the New Jersey Records. "Vanquellen," as if of Dutch origin. Hatfield, in his history of Elizabeth, was the first to identify him with the "Vorklin" or "Vorklain," of the New York Col. Docts. He is styled in the Records "Sieur des Prairies," or "de la Prairie," frequently corrupted into "La Prie," "La Priere," "Delapierre," &c.

³ This was fifteen years in advance of the first assembly in New York, and without doubt the existence of an assembly in New Jersey had no little weight in bringing about the concession of one to the people in the adjoining province. It was composed of the following "Burgesses:"—*For Bergen,*

ties" was passed, identical in some respects with the Levitical law, and legislation had upon other subjects, "which by reason of the week so near spent, and the resolution of some of the company to depart,"¹ were postponed for full consideration to the ensuing session in November, to the 3d of which month they adjourned. Thirty pounds were levied on the different towns to defray the "public charges," five pounds being the proportion of each, from which we judge that the population was about equally divided at that period. At the time appointed, the assembly again met, but the seeds of dissension between the popular branch and the council (which subsequently, not only in New Jersey but in every other province, became so prolific of evil) were already sown, and prevented much legislation. A few acts were passed, referring to the militia, weights and measures, fines, and dealings with the Indians, but on the fourth day of the session the assembly adjourned *sine die*,² and seven years elapsed before another met of which we have any authenticated record. There are intimations of several meetings during the intermediate period, but the confusion and irregularities of the time caused either the destruction or concealment of the proceedings.³

Gasper Steenmetts and Balthazar Bayard; *For "Newark on the Pishawack River,"* Captain Robert Treat and Samuel Swarne (or Swain); *For Elizabethtown,* John Ogden, sen'r., and John Brackett; *For Woodbridge,* John Bishop and Robert Dennis; *For Middletown,* James Grover and John Boune, and the last named consented, also to represent *Shrewsbury*.

¹ Governor's Message in Grants and Concessions, p. 84.

² See Note J, for the correspondence between the two houses.

³ In 1671 a small number of Indians on the Delaware occasioned some anxiety by several murders committed. A consultation was held in September by the governors of New York and New Jersey, and it was thought advi-

The people of what was subsequently known as the Monmouth Patent, including Middletown, Shrewsbury, and other settlements, having been authorized in their grant from Nicolls to pass such prudential laws as they deemed advisable, had, as early as June, 1667, held an assembly¹ for the purpose at Portland Point, now called the Highlands, and not being disposed to acknowledge fully the claims of the lords-proprietors, refused to publish the laws passed at the first session of the general assembly, and would not permit them to be enforced within their limits, on the ground that the deputies professedly representing them had not been lawfully elected. They were anxious to assure the governor and council, however, that it was neither contempt, nor obstinacy, nor wilfulness, on their part, that the election was not held in accordance with the summons; but were firm in requiring that there should be a proviso inserted in the oaths

sable to call a special meeting of the General Assembly of New Jersey for the purpose of ascertaining the views of the people about going to war with the marauders and their confederates, who were thought to be numerous. [Smith's N. J. p. 70.] This session was probably held on the 3d October, as the people of Newark elected delegates for that day, [Town Records, p. 40.] but no account has come down to us of the business transacted. The difficulties which prompted the meeting were settled by the surrender of the murderers. [Smith's N. J. p. 72.] The assembly was also in session in November of the same year, adjourning on the 22d, to which meeting reference is made in the text, and

another was called on the 12th of December, [Monmouth Records,] but excepting the authorizing of a special Court of Oyer and Terminer to try some rioters at Elizabethtown, [E. J. Records, Lib. 3, p. 78.] nothing is known of the subjects discussed. Reference is also made in the Records [Lib. 3, p. 65,] to a meeting held on the 26th of March, 1672; but there are grounds for supposing that its proceedings were of an irregular character.

¹The original proceedings of this "General Assembly of the Patentees and Deputies" are yet in existence. It continued to meet for many years. Gov. Parker's Paper, N. J. Hist. Soc. Proc., 2d ser., Vol. III, p. 20.

to be taken by any deputies they might elect, which would exempt their liberties or privileges as accorded to them by Governor Nicolls, from being injuriously affected by any law passed through their cooperation; and it was ordered that, 'if the governor and council please not to admit of the proviso, that then the deputies shall refuse either to engage, promise or subscribe.'¹ Consequently, when the deputies presented themselves at the subsequent session, and were required to subscribe the prescribed oaths of allegiance and fidelity, they refused to sign unless the provisos were inserted, and the towns were therefore unrepresented.² An act was passed, appointing commissioners to visit both Middletown and Shrewsbury, to collect the amount due from them on account of the rates assessed during both sessions to meet the public charges, and to learn the true position of the inhabitants in relation to the authority of the proprietaries.³ All assistance was refused the commissioners when, in March following, they presented themselves to collect the assessments, and in a long document, drawn with considerable shrewdness, the people announced their determination to assert their independence of all such claims, and to rely upon the terms of their grant from Nicolls, which exempted them from all payments

¹ E. J. Records, Vol. II. Lib. 3, p. 25. Hist. Soc. Proc., 2d ser., Vol. 3, p. 222.

² Grants and Concessions, p. 85. The other deputies were the same, excepting Jacob Mollins for *John Brackett*, of Elizabeth; Jasper Crane for *Samuel Swain*, of Newark; Samuel Moore for *John Bishop*, of Woodbridge; and the addition of Peter Jegon and Fabrus

Outout, as deputies from Delaware river. The dismissed delegates from Middletown and Shrewsbury, were Jonathan Hulms, Edward Tart, Thomas Wintertun, and John Hans.

³ Grant and Concessions, p. 89. The Commissioners sent were Luke Watson and Samuel Moore.

for seven years, and thereafter placed them under no obligations than such as were imposed upon others within the territories of the Duke of York. "But for as much," said they, "as there is an assignment made by his Royal Highness to the Lords Proprietors of such a tract of land, in which our patent may be comprehended, we look at ourselves to be notorielly responsible to the Lords Proprietors, in all such acknowledgments as others his Majesty's subjects doe in the government of New York to His Royal Highness; but also to transmit all criminals arising amongst ourselves, and such appeals as are proper to be transmitted to the trial of the Lords-Proprietor's government," such requirements being as they conceived, still obligatory upon them in their new relations.¹

The position thus assumed, seems to have engaged the attention of the General Assembly at a session held in November, 1671, and Middletown and Shrewsbury were declared guilty of contempt of the lawful authorities of the Province.² This appears to have been the first exhibition of open hostility to the government of Carteret; other and greater troubles were soon to follow.

It is not surprising, that such varied motives as operated to bring inhabitants to New Jersey should have produced among them after settlement a diversity of interests, engendering strife, and tending to the formation of parties;² but still, with the exception

¹ Middletown Town Book. N. J. Hist. Soc. Proc. 2d ser., III, pp. 26-30.

² Rogers, in his Hist. of North America, London, 1765, says, "among

them were some of almost every religious persuasion under heaven; they were like so many jarring elements pent up together, and could not be re-

of the difficulties just mentioned with Middletown and Shrewsbury, Governor Carteret was allowed to exercise the chief authority with comparatively little opposition, until the time fixed for the payment of quit rents due from those holding lands under the Concessions of the lords proprietors. The 25th March, 1670, was the day on which the first payment was to be made, and its arrival caused the suppressed passions of those inimical to the existing government to break forth at once in decided and violent opposition.

The Elizabethtown settlers, asserting their right to the lands confirmed to them by Governor Nicolls independent of the requirements of the Concessions, that all lands must be held under warrant from the Governor, survey by the Surveyor-General, and patent of the Governor and Council, served as a centre or rallying point for the disaffected of all parties, and amid the many jarring elements of

duced or reconciled to any settled form of government." In 1669, another disturbing element must have been in operation to some extent. Rumors were current of a probable change in the proprietorship. "The Lord Berkly is under a cloud and out of all his offices and offers to surrender up the patent for New Jersey. Sir G. Carteret, his partner, is in Ireland, but it is thought he will likewise surrender, and then N. Yorke will be enlarged." So wrote Maverick, the associate of Nicolls, in the conquest of New York, in 1664, to Gov. Winthrop of Connecticut, Feb. 24th, 1669. This intelligence was given, as having been received by the Governor of New York

from Nicolls then in England, and on June 29th following, he again wrote "New Jersey is returned to his Royal Highness by exchange for Delaware, as Sir George Carteret writes to his cousin, the present governor," [Mass. Hist. Coll., 4th ser., Vol. VII., pp. 315, 319.] But neither the surrender nor the exchange was effected, contrary to the wishes and aims of those who were anxious to have New Jersey appended to New York. It may well be imagined, however, that so long as the questions remained unsettled they must have occasioned considerable apprehension to the governor, and added strength to the opposition. --

discord the claims of the proprietaries' officers were treated with contempt. Regardless alike of their oaths of allegiance (which many of them had taken,) of their duty to the government whose liberal concessions were among the chief inducements for settlement within its jurisdiction, and of their implied faith in having conformed to the regulations of that government, (as a large number of them had done,) for the purpose of obtaining the Indian title to their lands; the title thus acquired they attempted to uphold as superior to any rights the proprietaries could have, and following the example of Middletown and Shrewsbury, although on less tenable grounds, were even disposed to question the authority of the government in other matters.

The governor struggled manfully against the spirit of anarchy which was abroad. A change was made in his council;¹ and the Courts of Bergen and Woodbridge, the only two then established in the province, were authorized to try all causes brought before them, although the parties might come from beyond the limits of their respective towns.² Those corporations were warned against allowing any persons to hold office or exercise the rights of citizens under their charters unless they had patented their lands and become legal freeholders,³ and the discontented were urged to comply with the terms of the Concessions, and take out their patents; but all his measures were un-

¹ John Pike and John Bishop, Vauquellen of the original Council. Jr., of Woodbridge, and Lawrence Andress, of Bergen, were appointed in 1670, and Captain John Berry, in 1669, leaving Edsall, Pardon and

² Oct. 20th, 1670, E. J. Records, Liber III. p. 36.

³ Ibid.

availing; the number and influence of his opponents prevented all proper enforcement of his authority.¹

Two years passed away in this state of confusion, anxiety and doubt. On the 26th March, 1672, there was a meeting of deputies from the different towns, which they designated an Assembly; but it is supposed that, some having probably neglected to conform to the requisitions of the Concessions as to their qualifications,² the Governor and Council did not recognize its validity, and of the nature of its acts, we have no knowledge. There can be little doubt, however, of their having had reference to the vexed question of titles.³ All the documents connected with the meeting being in the custody of William Pardon, were suppressed by him, doubtless in accordance with the views and wishes of the Governor and of the Council, of which body he was the Assistant Secretary.⁴ This brought affairs to a crisis. Another meeting was determined on, which convened in Elizabethtown on the 14th May. It was composed of representatives of Elizabethtown, Newark, Woodbridge, Piscataway and Bergen,⁵ but being met "with-

¹ See Note K.

² The deputies were required to be freeholders and to take an oath to be faithful to the interests of the Lords Proprietors. Grants and Concessions, pp. 13, 15. E. J. Records, III, pp. 55, 56.

³ On the 22d January, 1672, the Newark people deputed Mr. Treat and Lieutenant Swain, "to take the first opportunity to advise with Mr. Ogden, or any other they see cause, what may be the safest and best course to be taken for the town about our Lands

and Settlements here." [Town Records, p. 43.] It is probable this suggested conference, led to the meeting referred to in the text, [Newark Daily Advertiser, June 20th, 1855.] The Newark people, in March, 1670, and in March, 1671, had tendered the quit-rents to the Governor, although refusing to take out their patents, but there is no record of their having done so in March, 1672.

⁴ E. J. Records, III. pp. 64, 82.

⁵ Two from each place, it is presumed, except Bergen, which sent only

out the knowledge, approbation or consent" of the Governor and Council,¹ they, of course, did not co-operate, and the assemblage consequently failed in one of the essentials of a General Assembly, even if those present had all been duly qualified as members.²

The absence of the Governor afforded an excuse for another step towards independence of the established authorities. The Concessions provided that, should that functionary refuse to be present in person or by deputy, the General Assembly might "appoint themselves a President, during the absence of the Governor or the Deputy Governor;"³ and although the most natural construction of the language would confine the authority of the officer thus appointed to matters connected with legislation, the spirit of revolt was not to be restrained within such bounds, but finding a ready coadjutor in James Carteret, a son of Sir George, then in the province, they undertook to confer upon him the chief authority under the title of "President of the Country."⁴

This individual, who, as captain in both the private and public marines of England, had acquired some distinction, had been appointed, the year pre-

one. [E. J. Records, III. p. 53.] It is not improbable that this assemblage was not intended, at first, to assume the name or authority of a General Assembly. The Newark deputies to that body, whose duty it would have been to have attended any regular or adjourned meeting during their term of office, were on this occasion "desired by the town to consult with the rest of the representatives of the

country to order matters for the safety of the country." Town Records, p. 44.

¹ E. J. Records, III. p. 53.

² "Which body of Representatives or the major part of them, shall, *with the Governor and Council*, be the General Assembly," was the language of the Concessions. Grants and Concessions, p. 35.

³ Grants and Concessions, p. 15.

⁴ E. J. Records, III. p. 53.

vious, a Landgrave at Carolina,¹ of which province his father was one of the proprietaries, and probably arrived in New Jersey on his way thither, during the summer of 1671.² He seems to have had accorded to him in the province, a degree of consideration which, in view of his traits of character, can only be explained as being thought due to his parentage. That parentage undoubtedly led the malcontents to strive to secure his favor, hoping for his influence where they may have thought it would be available, and an ambitious disposition in him doubtless aided in facilitating their designs.

He assumed the chief authority as thus delegated by the so-called General Assembly, and, with an inconsistency hard to be accounted for,—conceding to them an honesty of purpose in their rejection of the rightful governor,—allowed him also to plead a title to it through a grant from his father; which however he did not think himself obliged to produce.³ Counter proclamations ensued, but the power to enforce obedience seems to have been with the usurper; officers of the government were imprisoned and their estates confiscated.⁴

¹ Under Locke's Constitution. Oldmixon's Brit. Emp, 2d Edit. I. p. 464. Danker's Journal, p. 137. Hatfield, pp. 140, 141.

² He is first mentioned as present at the consultation held in New York, September 1671, adverted to in the note on page 60.

³ That he was without authority to act for either of the proprietors, is evident from the prompt manner in which his acts were repudiated by both of them.

⁴ Eliz. Bill in Chancery, p. 35. E. J. Records, Liber III. p. 64, &c. On 25th May, 1672, James Carteret issued a warrant for the apprehension of William Pardon, Deputy Secretary, directing the constable to keep him in custody until he delivered up the acts of the general assembly of the 25th March. Pardon refused to do so, and escaped from the constable. On the 25th June, John Ogdou issued an attachment upon his moveables, and on 9th July, James Carteret issued an-

In this crisis the Governor's Council advised him to go to England,¹ with the view of explaining in person the situation of the province, and obtaining a confirmation of his authority, "thereby" (as they expressed themselves in a letter to the lords proprietors, of which they made him the bearer) "to endeavour the curing of the wound by speedy medicine, which delay might cause to gangrene." This advice the governor thought proper to follow. On the 1st July he commissioned John Berry as deputy-governor during his absence, and sailed for England in company with James Bollen the secretary.² Their reception by the Lords Proprietors was all that they could have expected or desired. The Duke of York, at the request of Berkley and Carteret, wrote to Governor

other against his houses and land, stating that Pardon had escaped and gone to England. Pardon subsequently returned, and as a remuneration for his losses, was appointed Receiver General, and received a grant of 500 acres of land, July 16th, 1674. James Bollen, the Secretary, on making his appearance at Elizabethtown, on 3d June, with a proclamation of the Governor, (see Note I), was also arrested and kept a prisoner for three weeks, escaping by night on the 24th, and re-joining the Governor in Bergen. So few are the original authorities bearing upon these events, that it is deemed advisable to give in Note I, two documents relating to this assumption of the chief authority by Captain Carteret. Hatfield's narrative of the events of this period is valuable, but his deductions therefrom are often questionable.

¹ E. J. Records, Liber III. p. 27,

under date of June 15th. Grahame makes Philip Carteret's departure to have been anterior to the appointment of James as governor; giving a different and erroneous aspect to the transaction.

² E. J. Records, Liber. III. pp. 54, 55. Bill in Chancery, p. 35. Under date of July 1st, there appears on record a Declaration from Governor Carteret, that certain accusations made against him, were *entirely false*: They were, 1st. That he had a considerable quantity of arms and ammunition in possession, which were sent by the lords for the use of the province. 2d. That he had a considerable stock of money committed to his charge by the lords to purchase the lands from the Indians. 3d. That he had forbidden the inhabitants training under pain of death. This last charge grew out of his withdrawal of a certain lieutenant's commission, accompanied with a pro-

Lovelace,¹ who had succeeded Nicolls, in the government of New York, May, 1667, notifying him, and requiring him to make the same known to the insurgents, that the claims which had been advanced would not receive from him the least favor; on the contrary, he was desired to aid the proprietaries in their plans for the settlement of their province and for maintaining peace within it.² This letter was followed by a missive to Deputy-Governor Berry from King Charles himself, dated December 9th, confirming his authority and commanding obedience to the government of the Lords Proprietors.³

Other documents from Berkley and Carteret, executed the same month, expressed in temperate yet decided language, their determination to support the rights vested in them, and which had been thus fully confirmed; and the insurgents were called upon thereafter to yield due obedience, as they had not exhibited the regard for their interests in the province that justice and equity demanded. Such explanations and alterations, in relation to the concessions, were made, as the disposition of the people and circumstances of the province seemed to require. The power of the general assembly was restricted by vesting in the governor and council alone the appointment of ministers,—the right to nominate being left with the several townships. The authority to regulate the

hibition against his exercising his company under "pain of death," according to the law-martial which, by his commission he was authorized to administer. Grants and Concessions, p. 27.

¹ November 25th, 1672.

² From this, we may reasonably believe that the disaffected had looked for support and protection to the successor of Governor Nicolls.

³ Bill in Chancery, p. 35. Grants and Concessions, p. 31.

meetings and adjournments of the assembly ; to establish courts in particular corporations already settled ; to apportion lands and to nominate and appoint officers ; all which had previously been possessed by the assembly alone, was also transferred to the governor and council ; and to them was now assigned the right of admitting planters and freemen without the concurrence of the General Assembly, and no person should be accounted a freeholder and have a vote in any election, or be qualified for any office of trust, before he should have obtained a patent for his land. The quit rents in arrear, were to be paid in three years from 1673, in addition to the growing rent of those years.¹

The documents were received and published by Deputy-Governor Berry in May, 1673,² and a certain time allowed the malcontents to comply with the terms of the proprietaries. The inhabitants of Middletown and Shrewsbury asked for a suspension of all proceedings against them, until they could communicate directly with the lords proprietors, which they did ; throwing themselves upon their generous forbearance by relinquishing any special privileges claimed under the Nicolls patent, and receiving individual grants of land in lieu thereof.³

There does not appear to have been any open opposition to the reestablishment of the government in

¹ See Grants and Concessions, pp. 32 to 41, for the various documents.

² Bill in Chancery, p. 37. They were published at Bergen 5th, Elizabethtown 6th, Newark 7th, Woodbridge 8th, Middletown 10th. (Bill,

Appendix, p. 31.) About this time the prison of the province was ordered by the council to be at the house of Captain Berry, in Bergen.

³ Journal of Governor and Council, pp. 61. 63.

the hands of the proprietaries' authorized representatives.¹ James Carteret disappeared from the arena of New Jersey affairs as suddenly as he entered it, sailing for Carolina, as was his original intention.²

No feelings of exultation which may have been experienced by the friends of the government led them to disregard the trying situation of their opponents; and the deputy-governor and his council issued

¹A Committee of five were appointed in Newark, July 1, 1673, to consult with representatives from other towns about "an address by way of petition" to the Lords Proprietors, "for the removing of the grievances incumbent" [Newark Town Records, p. 50]. The important events which soon followed, probably interfered with the transmission of the petition. The intervention of Gov. Winthrop in their behalf was also sought, and he responded by a letter to Sir George Carteret, certifying to the character of the settlers who were from Connecticut. Mass. Hist. Soc. Coll., 3d series, X. pp. 85, 86.

²He married April 15th, 1673, Frances, daughter of Thomas Delavall, Mayor of New York [Valentine's Manual, 1855, p. 493. Hatfield, p. 149]. She accompanied him to Carolina, leaving New York the latter part of June or first of July. They were passengers in a sloop belonging to and commanded by Samuel Davis, and had for a fellow passenger Samuel Hopkins of Elizabethtown, with whom Carteret had been on terms of intimacy. The vessel was captured by a Dutch fleet in the mouth of James River, and Carteret and his wife were put ashore somewhere in Virginia. [N. Y. Col. Docs., III. pp. 200, 213.] They subsequently returned to New York, but when is not definitely known; it was,

however, prior to April, 1676. [N. Y. Eng. MSS. p. 43.] The last recorded evidence of Carteret's unworthiness is found in Danker's Journal, [p. 45]. At a house in Harlem where he staid one night in October, 1679, which "was constantly filled with people, all the time drinking, for the most part, execrable rum," Danker says he found "among the crowd a person of quality, an Englishman, named Captain Carteret * * * a very profligate person. He married a merchant's daughter here, and has so lived with his wife that her father has been compelled to take her home again. He runs about among the farmers, and stays where he can find most to drink, and sleeps in barns on the straw. If he conducted himself properly, he could be not only governor here, but hold higher positions, for he has studied the moralities and seems to have been of a good understanding; but that is all now drowned. His father, who will not acknowledge him as his son as before, allows him yearly as much only as is necessary for him to live." In the first edition of this work, previous authorities were followed, and James Carteret was said to be an illegitimate son of Sir George. This reflection on his birth seems to have originated with Chalmers (Annals p. 616), an author, who, from the original documents to which he had access

an order with the intent "to prevent deriding or uttering words of reproach to any that had been guilty of the riot.¹

Before the time expired in which the proffered terms of the proprietaries were to be acceded to, the Dutch were again in possession of the country. War had been declared against Holland by Charles, in conjunction with Louis XIV. of France, in March, 1672-3, and—as if the recollection of the unwarrantable manner in which they had been dispossessed of New Netherlands prompted retaliation on the same ground—the States General dispatched a squadron of five vessels against New York, which arrived in July, 1673, being increased by captures on the way to twenty-three vessels, conveying 1600 men; and on the 30th of the same month possession of the place was obtained without difficulty.²

No harshness was exhibited towards the English residents, and a proclamation, guaranteeing continued

has been thought very reliable, but Dr. Hatfield in his history of Elizabeth [pp. 146, 155], has, from various circumstances, established his legitimacy, although unable to cleanse his personal character from its stains. It is to be hoped that he was not the degraded being Dankers portrays when the malcontents of East Jersey selected him to be "the President of the Country." Sir George in his will left him £100 per annum on condition that he should, within two years, resign all title to lands in the island of Jersey, in case he should not, the legacy was to go to a grandson named Philip. When he returned to Europe is not known. It is presumed that his wife accompanied

him, as they left one daughter, who married in the island of Jersey. One of that daughter's sons subsequently (1732) came to America. Valentine's Manual, 1855, pp. 493-4. Hatfield, p. 155, note.

¹ E. J. Records, Liber. III. p. 92.

² August 8th, new style. Smith's N. Y. I. p. 39. Dunlap's N. Y. I. p. 128; Brodhead II. pp. 205-207. Historians have generally asserted that the fort was obtained possession of through bribery, but the N. Y. Colonial Docs. [II. p. 199] make the matter rather doubtful. It there appears that the fort fought four hours, and until all the ammunition was expended.

possession of rights and certain privileges on condition of swearing allegiance to the States General, brought to "New Orange," as they had named the city, all the magistrates and constables from the surrounding country, East Jersey and the settlements on Delaware Bay included, the majority of whom took the oath.¹

The inhabitants of Elizabethtown, Newark, Woodbridge and Piscataway promptly tendered a surrender of their towns to the supreme military tribunal at New Amsterdam, composed of Commanders Evertse and Benckes, and Captains Colve, Boes and Van Zyle, and by petition desired that no audience might be granted "to their late Governor, Capt. John Berry," prior to one requested for their delegates. The 18th August was appointed for the conference, and the towns of Bergen, Shrewsbury and Middletown were invited to send representatives at the same time.² On that day the inhabitants were confirmed in the possession of their lawfully acquired lands, and placed on an equality, as regarded privileges, with the Hollanders; and should they conduct themselves orderly, they were not to be required to take up arms against England. The laws of the Netherlands were to determine the descent of their property, but they were at liberty to dispose of it by will as they might think proper, or remove it with

¹Smith's N. Y. I. p. 39. Some doubts have been expressed of the extension of the resumed government of the Dutch over the settlements in New Jersey, arising probably from an assertion to that effect (to obtain a legal end

in the Answer to the "Elizabethtown Bill in Chancery," [p. 10,] but evidence to the contrary is abundant, as will be seen in the text.

² N. Y. Col. Docs. II. p. 571.

themselves out of the province under certain regulations; and liberty of conscience was accorded to them to the same extent as it existed in the mother country. These terms appear to have met the wishes of the inhabitants generally.¹

As to local government, each town was directed to nominate, by a plurality of votes, six persons for schepins or magistrates, and also two deputies towards the constitution of a joint board for the purpose of nominating by a majority of votes three persons for schouts and three for secretaries. From the nominations thus made, the Council would select three magistrates for each town, and a schout and secretary for the six towns collectively.² This selection was made on the 24th August,³ and John Ogden was appointed Schout and Samuel Hopkins Secretary, Sept. 1st.⁴

¹ Albany Records, Vol. II. p. 353, XXIII. p. 264, &c.; Laws, &c., of N. Neth., p. 467. Captain John Berry, William Sandford, Samuel Edsall and Lawrence Andress, holders of large and detached plantations, who were also present, received separate confirmations of their grants, but no special privileges from the proprietors were confirmed to them. N. Y. Col. Docts. II. pp. 576, 577.

² N. Y. Col. Docts. II. p. 579. Bergen seems to have had a schout and magistrates previously appointed. Ibid p. 580.

³ For *Elizabethtown*, John Ogden, Senr., Samuel Hopkins, Jacob Melyn. For *Woodbridge*, Samuel Dennis, Obadiah Holts, Stephen Kent. For *Shrewsbury*, John Hancoe, Eliakim Wardil, Hugh Dyckman. For *Newark*, Jasper Crane, Robert Bond, John Ward. For

Piscataway, John Smalley, Nicholas Boman (Bonham?), Daniel Denton. The schepins for Piscataway were sworn in on Sept. 6th, the others on Sept. 1st. N. Y. Col. Docts. II. pp. 582-587.

⁴ N. Y. Col. Docts. II. p. 595. "The said Schout together with y^e Schepins or magistrates of y^e respective Townes, to Rule & governe as well their Inhabitants as Strangers and y^e s^d Samuel Hopkins to administer the office of Secretarij in y^e s^d Townes according to the Laws of the United Belgicq Provinces, and such particular Instructions as they from time to time shall receive from us & from our Gouvern^r for the time being, and wee do hereby strictly order recommend all the inhabitants of the said Townes to obey & execute all such lawful or-

Doubtful of the attachment of the people, or fearful, it may be, of their obedience, the authorities at Fort William Hendrick did not rest satisfied with the oaths of the magistrates only, but early in September (6th) appointed commissioners to visit the several villages of New Jersey, or "Achter Kol," as they termed the province in their official documents, and exact the same from each inhabitant. The duty was performed in Newark, Elizabethtown, Woodbridge, Piscataway, Shrewsbury, and Middletown, the inhabitants of Bergen having been visited previously; and on the 14th a report was made of the names of those to whom the oath was administered, as well as of those who were absent, some of whom subsequently complied with the requisition.¹

On the 1st of October, provisional instructions were issued to the different sheriffs and magistrates of the several towns,² but in New Jersey these were superseded by a code of laws promulgated "By the Schout and Magistrates of Achter Kol Assembly, held at Elizabethtown, to make laws and orders," on

ders and constitutions as shall be made by y^e s^d Schout magistrates & for the welfare of y^e s^d respective Townes and y^e inhabitants thereof."

¹ Albany Records, XXIII. p. 310; XXII. p. 344. N. Y. Col. Docs. II. pp. 580, 587, 598, 607. There is some difference in the numbers given in these respective authorities, the latter giving the largest, as follows: *Elizabethtown*, 76, and 4 absent; *Newark*, 75, and 11 absent; *Woodbridge*, 53, and 1 absent; *Piscataway*, 43; *Middletown*, 52, and 8 absent; *Shrewsbury*, 38, and 18 Quakers who promised allegiance and 12 absent; *Bergen*, 69, and 9 ab-

sent; making the adult male population of East Jersey at that time 469.

A similar record of those swearing allegiance to the English Government in 1665, and years following, is in E. J. Records, II. Lib. 3. On 1st October, the plantation of Major Kingsland was ordered to be sold on the ensuing 20th, probably confiscated, although subsequently restored to the family. [N. Y. Col. Docs. II. p. 622.] On the 7th Sept. officers of the militia were sworn in for all the towns. N. Y. Col. Docs. II. pp. 607-608.

² N. Y. Col. Docs. II. p. 620.

the 18th of November.¹ This code does not appear to have been framed with reference to the English laws then in force, which it was intended to subvert. It was singularly mild in the character and extent of the punishments to be inflicted on transgressors; the principal aim of the legislators being, apparently, the protection of the province from the demoralizing effects of sensual indulgence and other vicious propensities, while not unmindful of the needful regulations to secure such rights as, in the infancy of society, become of the first importance. The observance of the Christian Sabbath, the employment of ministers, and the erection of churches, received also a share of their consideration; but the whole code became soon a nullity through the abrogation of the authority under which it was enacted.²

Anthony Colve, captain of one of the vessels composing the squadron, was invested with the chief authority during the short time the provinces remained in the possession of the States General, but on the 9th of February, 1674, a treaty of peace with England was signed at Westminster, the sixth article of

¹ Albany Rec. XXII. p. 375. XXIII. p. 19. Laws, &c., of New Neth. p. 492. Col. Docts. II. p. 595.] On the 7th Sept. they had reported that "Robert La-prie carried off different goods from the house of Philip Carteret, which he declines to restore; and further, that one Jonathan Singleterry refuses to obey their orders; on which it is commanded to apprehend aforesaid persons and to conduct them hither," and James Bollen was to be called upon to deliver up the Governor's Papers. [Albany Records, XXIII. pp. 306, 315. N. Y. Col. Docts. II. p. 200.] As stated

² Laws, &c., of New Neth. p. 492. On the 1st Sept. "Schout John Ogden and Secretary Samuel Hopkins" were ordered to take an inventory of the estate of Governor Carteret, and on the 14th Oct. the same functionaries were required to send to Fort William Hendrick "the arms and other goods" according to the inventory. [N. Y. Albany Records, XXIII. p. 44. N. Y. Col. Docts. II. p. 200.] As stated

which restored the country to the English,¹ and they continued in undisturbed possession from November following until the war which secured the independence of the United States of America.

On the conclusion of peace, in order to remove all grounds for objections to his title on account of the recapture of the country by the Dutch, and subsequent relinquishment to the crown,² the Duke of

in Note, page 59, *La Prie* was an *alias* of "Robert Vauquellen," the proprietaries' surveyor, and one of the governor's council; so that we may suppose his abstraction of Carteret's property was an act of friendship, with a view to guard it from his enemies. He was subsequently brought before the Council, obliged to return the goods, and, as he had ventured to assert that the Duke of York had still an interest in "Fort James," and to prophesy that there would be "another change within half a year," he was declared guilty of sedition, and banished. [N. Y. Col. Docs. II. p. 607.] Mr. Bancroft, in the earlier editions of his History of the United States, referred particularly to the Albany Records to prove the *humanity* of the people in not confiscating the property of the governor after driving him from the province. The passage in subsequent editions he has very properly omitted, for it is difficult to conceive *how* the records can be made to bear upon the point, and if they did, still more difficult to explain how refraining from committing an undoubted wrong could be construed into an act of humanity. Under date of Sept. 29th, the inhabitants at "the Neversings, near the sea coast," were directed to give the Governor the earliest possible information of the arrival of any ships from sea,

and the following entry appears on the record: "Whereas, the late Chosen Magestrates off Shrousburiij are found to be Persons whose Religion Will Nott Suffer them to take any oath, or administer the Same to others, wherefore they Can Nott be fit Persons for that office I have therefore thought fitt to order that bij y^e s^d Inhabitants off ye s^d towne a New Nomination shall be made off four Persons off the true Protestant Christian religion, out off which I shall Elect two, and continue one of y^e former for Magestrates off ye s^d towne: (Signed) A. Colve." [N. Y. Col. Docs. II. p. 619.] On the 30th January 1674, the records of the government, which had been taken out of the hands of James Bollen and deposited at Fort William Hendrick [N. Y. Col. Docs. Vol. II. pp. 600, 602], were, at the request of John Ogden, Schout, returned under inventory to the charge of Samuel Hopkins, "Secretary of Achter Kol." [N. Y. Col. Docs. II. p. 683.] Other items of local or private interest in the same volume, on pp. 674, 714, 720, 722, 723, 728, 729.

¹ Officers were nominated for Ahasimus, Bergen, Elizabethtown, Newark, Woodbridge and Piscataway, as late as August, 1674. Albany Records, XVII. pp. 441, 457.

² Douglas' Summary, II. p. 223.

York obtained from the king a new patent, similar to the first, dated June 29th, 1674, and on the 1st July Edmund Andros was appointed governor under it.¹ Chalmers, in his *Annals*, seems to imply that the duke was glad to avail himself of the plea afforded him by the change in the government of his territories, to regain possession of New Jersey, the loss of which Governor Nicolls had so deeply deplored.² It may be that this was his intention for a brief period, so far as related to the *government* of the province, from the fact that Andros was directed to take possession of the province of New York and "its dependencies," which, in the words of his commission, included "all the land from the west side of Connecticut River to the east side of Delaware Bay,"³ although it does not appear that these directions were complied with by Andros on his arrival at New York, October 31st, 1674, so far as New Jersey was concerned. But on the 9th November, he issued a proclamation, in which he expressly declared that all former grants, privileges or concessions heretofore granted, *and all estates legally possessed by any* under his royal highness before the late Dutch government, were thereby confirmed, and the possessors by virtue thereof to remain in quiet possession of their rights.⁴

¹ Grants and concessions, p. 41. Answer to Bill, p. 10. N. Y. Col. Docs., III. p. 223.

² Chalmers, p. 16. See Note C.

³ N. Y. Col. Docs., III. p. 215.

⁴ Chalmers, p. 617. N. Y. Col. Docs., III. p. 227. The history of this period is exceedingly confused, and although Chalmers had access to

documents not to be met with on this side of the Atlantic, he rather adds to, than lessens the obscurity. He speaks of the duke as having "hesitated long" about his grant to Carteret, and of the passage of a year or more without its execution; yet we find from the document itself, unless it was antedated, that it was given within a month after

Whatever hesitation the duke may have felt about restoring New Jersey is said to have been removed solely by his affection for Carteret, which influenced him to grant what was considered to militate against his own interest and the prosperity of New York. The pleasure of his royal brother may have had some weight with him, as it is well known that Carteret was a favorite of the king. A proof of this given at this time, is found in a letter from Charles, bearing date the 13th June, 1674, (before the new patent to the duke was granted,) confirming again the title and power of Carteret in East Jersey.¹

On the 28th and 29th July, 1674, Sir George Carteret received his renewed titles from the duke, equally full as to rights and privileges,² but which gave to him, individually, all the province north of a line drawn from a certain "creek called Barnegat, to a

the receipt of the new patent from the king. Chalmers also states that before the receipt of any intelligence from England of the reconveyance of East Jersey to Carteret, Andros had extended his authority over the whole province. But it is doubtful if he attempted to take East Jersey under his control until after the death of Sir George, in 1679; and Carteret was in the province and officiating as governor in less than a week after Andros received the surrender of the fort at New York. There is certainly nothing in the New York Colonial Documents that indicates any hesitation on the part of the duke to confirm the rights of Carteret at this time, and the writer is of opinion that all the misapprehensions of Chalmers grew out of his not discovering the grant of 28-29th July, 1674, which was certainly the one

drawn up by the duke's council, in accordance with the order given them under date of 23rd July, to which he alludes, and which is among the other colonial documents of New York. The instructions to the Governor in February following, to which he refers, and which will be hereafter introduced, related exclusively to the customs and other perquisites.

¹ Grants and Concessions, p. 49. Bill in Chancery, p. 38.

² Grants and Concessions, p. 46. A futile attempt has been made to disparage Sir George's title to his portion of the original tract in all its entirety, because of the absence of a few words of description that were in the first grant from the duke. For a refutation of the argument see N. J. Hist. Soc. Proc. X. p. 117.

certain creek in Delaware river next adjoining to and below a certain creek in Delaware River called Renkokus Kill"—a stream south of Burlington.¹ Berkeley had previously (March 18th, 1663,) parted with his right in the province to John Fenwick, but whether or not any negotiation with him preceded the granting of these new deeds, has not been determined. They certainly secured to Carteret considerable more than a moiety of the province, and it is difficult to account for the direction given the dividing line if it was intended to divide it equally. It was not until two years afterward that the deed of division (known in the history of the state as the "Quintipartite Deed") was executed.

Governor Andros and his council were vested with all the functions of government within the limits that have been specified, and the former's characteristic tyranny and subserviency well fitted him to exercise the power thus conferred to its full extent, to gratify his masters views of policy and interest. Conversant as he was, however, with the transactions in England subsequent to the date of his commission, by which East Jersey had been transferred to others and a governor appointed for it,² he did not presume, at first, to assert his authority over the province farther than to empower William Dyre, collector of the duke's revenue in New York, to collect also within New Jersey the customs which his highness had thought

¹ Grants and Concessions, p. 46. The original document is in the library of the N. J. Hist. Soc..

Philip Carteret were fellow-passengers across the Atlantic. They must have arrived about the same time, Nov. 1st.

² It is not improbable that he and

proper to establish throughout his territories ;¹ thus imposing upon the inhabitants of a province, which he had transferred to others in as full and ample manner as it had been obtained by him, exactions which his own people of New York considered exceedingly burdensome, if not illegal, when imposed on them.²

Philip Carteret had remained in England during the occupancy of the Dutch and subsequent negotiations ; but on Sir George's obtaining a new grant for East Jersey, he was recommissioned as governor, July 31st, 1674,³ and returned to the province, bringing with him a confirmation of the alterations made in the "Concessions" on December 6th, 1672, and also such farther regulations relative to laying out of the lands, payment of quit rents, and the obligations of the settlers, as the situation of the province required.⁴

¹ Chalmer's Annals, p. 617. N. Y. Col. Docs. III. pp. 215, 221.

² Dunlap's N. Y., I. p. 132. It is questionable, however, whether it was the intention of the duke to have Dyer's jurisdiction extend over East Jersey, after his grant to Sir George was given. Dyer's commission, containing the authority referred to in the text, was dated July 2d, nearly a month before the grant was issued. Andros thought, probably, that he would secure the favor of the duke by resigning as few of his prerogatives as possible, and to his action and the influence of his Secretary, Sir John Werden, may reasonably attributed much of the duke's subsequent inconsistency.

³ Grants and Concessions, p. 58.

⁴ Grants and Concessions, p. 50. The chief actors in the rebellion were

required, upon publication of these new concessions, to petition the governor for a remission of their offences. The inhabitants of "Navysink," (Middletown and Shrewsbury,) in consequence of their faithfulness to the lords proprietors, they not having been represented in the disorganizing assemblies in 1672, and having surrendered their claims under the Nicolls patent, were to have their townships surveyed and incorporated, and such as had claimed to be patentees and purchased lands from the Indians, were to have 500 acres each allotted to them. To such settlers as would locate themselves on any river ten miles from the sea, eighty acres were to be given; those settling at a less distance to receive sixty acres. The lord proprietor engaged to build a prison and a house for the keeper out of

The unsettled state of their affairs appears to have led the people of East Jersey to regard with satisfaction the return of their governor. He published his commission and the other documents with which he was furnished, at Bergen, November 6th, 1674, in the presence of his council¹ and commissioners from all the towns except Shrewsbury, and the internal peace of the province was in a great measure restored.²

After the return of Governor Carteret, the assemblies met with considerable regularity each year; the first, at Elizabethtown, November 5th, 1675,³ sitting until the 12th, and again from November 29th to December 9th, and the subsequent meetings either there or at Woodbridge, save one at Middletown, in 1679.⁴ Unanimity seems to have prevailed sufficiently for some years among the different

the quit rents. Purchases from the Indians were to be made in his name, by the governor and council, the expense to be reimbursed by the settler.

¹ His council was composed of Capt. John Berry & Wm. Sandford, and John Pike, Lawrence Andress, John Bishop, Senr., James Bollen, Secretary, and Robert Vauquellen.

² E. J. Records, III. pp. 98, 99. Bill in Chancery, p. 40. A long opinion, signed John Hollis, William Leck, William Williams, John Hoyle, John Holt, Wm. Thompson, Richard Wallup, and Henry Pollexfen, adverse to the claimants under Nicolls' grant, said to have been obtained about this time, is to be found on the same page. [See Note E.] Grahame, Gordon, and others, in order to make after events conform to Chalmer's narrative, place the governor's return in 1675,

but it was in 1674, as stated in the text.

³ The members of this assembly were, for *Elizabethtown*, Henry Lyon, Benjamin Price; for *Bergen*, Hans Dedrick, Elias Michelson; for *Newark*, Thomas Johnston, Lieut. John Ward; for *Woodbridge*, Samuel Davis, Thomas Bloomfield, Jr.; for "*New Piscataqua*," John Gillman, Hopewell Hull; for *Middletown*, Captain John Bound, John Throgmorton; for *Shrewsbury*, John Slocum. William Shatluck, the other member for Shrewsbury, refusing to swear or subscribe the oaths, was dismissed.

⁴ On April 6th, 1676, at Elizabethtown; Oct. 5th-8th, at Woodbridge; Oct. 10th, 1677, at Woodbridge; Oct. 2d-29th, 1678, at Elizabethtown; April 3d, 1679, at Elizabethtown; May 8th, 1679, at Middletown; Nov. 1st, 1679, place not named.

branches of government, for legislation to be had upon all subjects which the advancement of the province in population rendered requisite. Doubtless, harmony was promoted by the fact that the requisition of oaths of allegiance to the king, and fidelity to the lords proprietors, were more vigorously enforced.¹ Among other legal provisions of this period, exclusive of enactments respecting the punishment of crimes, the establishment of courts, and the preservation of the peace, were the following: All males from sixteen to sixty were required to furnish themselves with arms and ammunition, which, with plough irons or chains, and horses and cattle necessary for their livelihood, were declared free from distrainment; each town was to have a fortified place of safety for securing the women, children, provisions and ammunition, in case of imminent danger from Indian assaults;² freeholders were not to be arrested for debt unless it was made to appear that their

¹ The town of Shrewsbury appears to have given some trouble to the assembly in sending deputies who refused on their arrival to take the necessary oaths; this was provided for in 1676 by an act making any town liable to a fine of ten pounds which should send such deputies. The consequence of this was, that the next year the member elected did not attend, when an act was passed fining every absentee ten shillings for every day's absence. The difficulties of travelling may have caused some of the irregularities. A law was passed in April, 1676, authorizing the deputies to impress vessels, horses or men, to facilitate their passage to and from the meetings of the assembly, and "the

Nevysinks lying so remote and the difficulty of passages by water sometimes so much," the inhabitants of Middletown and Piscataway were directed to make choice of two men from each town "to make out the nearest and most convenient way that may be found between the said towns upon the county charge." *Grants and Concessions*, pp. 93, 115, 118.

² It is doubtful if these were generally provided. The Woodbridge people, in September, 1675, directed the prison to be fitted up as their fortification [Town Book], but those of Newark did not move in the matter until January, 1676, [Town Records, p. 61]

creditors were likely to suffer from fraudulent measures ; and the county rates were to be levied according to the quantity of land held by the individuals subject to them. Labor, unlawful recreations, unnecessary travelling, and improper conduct of any kind, were prohibited on the Lord's day, and ministers were to be protected in the performance of public worship from all disturbances : births, deaths and marriages were to be recorded. Where no court existed, the people of the town were authorized to choose persons to form a grand jury, who should be required under oath to take notice of all transgressions of the laws, and report them to the next court in the county;—a bounty of fifteen shillings was to be paid for wolves;—ammunition and arms were not to be sold to the Indians, nor their guns repaired;—the retailing of liquors in less quantity than a gallon was prohibited, except by the regularly licensed keepers of ordinaries in the different towns;—no hides were to be taken out of the province for sale; leather, beef and pork were to be inspected and sealed; and from time to time the value of country produce was rated, to facilitate exchanges and the operations of barter. The public charges were, at first, fifty pounds *per annum*, but subsequently they were doubled, and in 1680 they amounted to one hundred and ninety-six pounds ten shillings; the pay of councillors and assembly men was three shillings per day, and the governor received four shillings per day extra during the sittings of the assembly—propagators of false news were to be fined ten shillings, which

was also the punishment for the first offence of slander, the second offence being twenty shillings.¹

As yet, no settlement had been made in West Jersey under the Duke of York's grant; but in 1675, John Fenwick (to whom that section of the province had been conveyed in trust for Edward Byllynge on 18th March, 1673), with many others, came over in the ship Griffith from London, and landed at what is now Salem, so called by them from the peaceful aspect the site then wore; but a difference arising between Fenwick and Byllynge, no others followed for two years. This difficulty was settled, subsequently, to the satisfaction of both parties, through the intervention of William Penn;² and Byllynge's interest was transferred to Penn, Gawen Lawrie, and Nicholas Lucas, as trustees for Byllynge's creditors, he being deeply involved in debt through commercial losses.³

The Duke having induced Sir George to relinquish the grant of 28th–29th July, 1674, in order to perfect a more equitable division of the province between him and the assigns of Lord Berkley; the deed of division which has been referred to, was executed between Sir George Carteret and the proprie-

¹ Grants and Concessions, pp. 93, 138.

² To this circumstance, Watson, in his *Annals of Philadelphia*, ascribes the settlement of Pennsylvania; as Penn, when arranging the affairs of Byllynge, became so well acquainted with the locality and the goodness of the country, that he was induced to procure Pennsylvania for himself.

³ See Answer to Bill, p. 18, for some interesting information relating to the division of the province, in a letter from A. Langhorne. The assertion of the duke, as there stated, that the grant to Sir George, of 29th July, was obtained from him "by surprise," can hardly be believed by any one who has had an opportunity of examining the records.

taries of West Jersey, on the 1st of July, 1676;¹ and from this time the measures taken to advance their respective portions were entirely separate and independent. In 1667, the ship *Kent*, after a tedious passage, arrived at Newcastle; but the commissioners sent over by Penn and the other trustees, having selected the site of the present Burlington, the emigrants, two hundred and thirty in number, removed thither. Other vessels following, Burlington and the adjacent country soon became thickly populated; but the scope of this work will not allow of a particular

¹Grants and Concessions, p. 61. Answer to Bill, p. 18. Two of the original documents are in the library of the New Jersey Historical Society. It is called the "Quintiparte Deed." from the five parties to it, Sir George Carteret, William Penn, Gawen Lawrie, Nicholas Lucas, Edward Byllynge. The boundaries of East Jersey as given in the deed, were as follows: From "Little Egg harbor to the forty-first degree of latitude on Hudson's River, and crossing over from thence in a straight line extending from that part of Hudson's River aforesaid, to the northernmost branch, a part of the before mentioned river called Delaware River * * * to be called the North Partition point, and from thence * * * extending southward by a straight and direct line * * * unto the most southwardly line of Little Egg Harbor aforesaid * * * to be henceforth called the south partition point." It was evidently the intention of the contracting parties to divide the province equally, and in furtherance of that intention a line was run by George Keith in 1687 from Egg Harbor northwardly as far as the south branch of the Raritan. Had it been extended to the

Delaware, West Jersey would have contained 53,890 acres less than East Jersey, or 26,945 acres less than half the Province. and in 1688 an agreement was entered into having in view the correction of any inequality. But inasmuch as the East Jersey Proprietors claimed from the Duke of York to the latitude of 40° 40' on the Delaware, they, acting consistently, recognized *that* as the "north partition point" agreed upon in the Quintipartite deed, and in 1719 a joint commission established that as the point whence the line was to run to Egg Harbor, but not until September and October, 1743, was it actually run by John Lawrence. The East Jersey Proprietors have continued to regard this line as binding, although it gave to West Jersey an excess of over 1,000,000 acres; but the settlement of the northern boundary in 1769 having placed the northern point on the Delaware more to the eastward, the West Jersey Proprietors in 1776 took some steps toward asserting their right to a further portion, which would have given them more than 1,850,000 acres, and again after the Revolution, in 1782, the attempt was renewed, but without suc-

examination of the progress of settlements in West Jersey.¹

The tranquility prevailing after the return of Governor Carteret, was not of a character to endure long. The malcontents of Elizabeth and other towns had become quiescent from the force of circumstances. Their being so, affords no evidence of a change in their opinions, for, although there began to be a better observance of the regulations for surveying and patenting of land,² they continued as inimical to the interest of the proprietary as before the governor's return; wanting only a fit opportunity to resume their schemes in opposition to his authority. Every addition to the population, however, served to strengthen the government, and we therefore find no attempt at any further open revolutionary movements.³ To their disposition to advocate any measures tending to weaken the authority, or conflicting with the title of

cess. For a particular statement of the controversy the reader is referred to Gordon's *N. J.* pp. 71-75. Smith's *N. J.* p. 195 and pp. 546-557. "Petitions and Memorials of the Proprietors of East and West Jersey," printed by Shepard Kollock, New York, about 1786, and *N. J. Hist. Soc. Proc.* VIII. pp. 162, 185.

¹ See Smith's and Gordon's Histories. Both, having a more intimate acquaintance with West Jersey, and one of them a resident, they have naturally dwelt more at length on the history of that province; but there is much yet for the antiquary to discover and bring to the knowledge of the public. Johnson's "History of Salem," Mickle's "Reminiscences of Gloucester," and Elmer's "Cumberland

County," are valuable contributions to the history of that portion of the State.

² *E. J. Records.* Hatfield, p. 182.

³ On 2d April, 1679, the Governor and Council recorded their conviction that it was the intention of the Proprietors to give the Concessions such a permanent character that they should "continue to the people of the Province of New Jersey and their heirs forever," and announced their intention to have the declaration, thus made, confirmed by the Lords Proprietors. This was done to satisfy the malcontents of the assembly, who began to find in the Concessions, which they formerly contemned, the protection they sought. We shall see the feeling more strongly developed subsequently.

the proprietary, may be attributed, in all probability, many of the subsequent acts of Governor Andros; for it can hardly be presumed that he would have ventured upon some of his ultra proceedings without the countenance of a party in the province.¹

The exaction of the customs in New Jersey, by direction of the Duke of York, operated more to the prejudice of the inhabitants on the Delaware than to those of East Jersey, the latter having less need of a direct trade with foreign ports, from their proximity to New York.² In 1676, however, Governor Carteret, desiring to foster a spirit of commercial enterprise in the people, and disposed to adopt every scheme promising any advantage to the province, began to enter and clear vessels at Elizabethtown; but Andros steadily opposed what he was pleased to consider an infringement of his master's right, and supported by superior power, was enabled effectually to prevent the realization of any benefit by the inhabitants of East Jersey from the Governor's projects.³

¹ Douglas. II. pp. 287, 288.

² These duties were at first *ten per cent.* on all imports and exports; but at the time referred to in the text, they were *five per cent.* on the invoice cost in England, of all the goods brought out by the settlers. It was rightly considered by them as an actual "tax upon planting" most arbitrarily exacted, and they resisted the payment with all their power. Smith gives a most spirited and well written document connected with the controversy, in a representation to the duke's commissioners (ordered to investigate the subject), from the West Jersey proprietaries. Hist. N. J., p. 117.

³ Chalmers, p. 618, and see Note M.

In 1679 a proclamation was issued by Carteret, declaring Amboy free to all vessels trading to East Jersey, and thereupon one Hooper entered his vessel there from Barbadoes; but Andros had her brought up to New York, and obliged her master to enter at that port and pay his duties, before being permitted to land his goods in East Jersey. [Representation of Attorney Gen'l Graham to Lord Bellomont, June 30th, 1698, in N. Y. Col. Docs. IV. p. 382.] In April, 1679, an act was passed authorizing the appropriation of 150 pounds "for the security and encouragement" of any vessel that should ar-

The Duke of York paid but little regard to these disputes. Too well disposed to foster his own interests, even to the sacrifice of justice, he expressed his unwillingness to resign any of the prerogative which he claimed always to have exercised over New Jersey, although it may have been allowed to remain in some measure dormant in compliment to Carteret, but favors might at a future day be claimed as rights.¹ The only melioration that could be obtained from him was a limitation in the exaction of the duties to three years longer, and as they were as unpopular in New York as in New Jersey, universal discontent was the consequence.²

This disposition of the duke to uphold his asserted right to the customs which had been imposed, and possibly the intelligence of Sir George Carteret's death, which occurred in England early in 1680,³

rive in the province for the purpose of traffic, and go through the formalities of entering and clearing at the Elizabethtown Custom House; in case she should, "by any of the government of New York, be arrested, detained, and condemned for the only cause of trading in this province, and not entering and clearing at New York," the amount to be paid to the owner. [Grants and Concessions, p. 131.] It is probable this action succeeded the seizure above mentioned. The effect of the law is not known; it was repealed the following November.

¹ Chalmers, p. 618. N. Y. Col. Docs. III. p. 240. There are reasons for believing, as has already been intimated, that the Duke's Secretary, Sir John Werden, is to be held responsible for many of the sentiments he gives as emanating from the Duke. See Note M.

² Andros, who went to England in November, 1677, brought out these instructions himself, arriving Sept. 6th, 1678. [Grahame's U. S. II. p. 206.] "November, y^e 16th. The Governor parted from New Yorke and went to take his leave of Governor Carteret in New Jersey, & lay there all night; the 17th went aboard neare Staten Island, weyed and went down y^e Bay neare Sandy Point, whence hee sayled. [N. Y. Col. Docs. III. p. 257.] Less of courtesy in this visit, probably, than policy. It was desirable that he should carry with him all the information respecting the coveted province that he possibly could obtain.

³ January 13th, 1679-80. He was in his 80th year, and was buried at Hawnes, in the county of Bedford; the manor and estate having been purchased by him.

seem to have inspired Andros with fresh vigor in his crusade against the government of East Jersey. The fact that the province was within the limits of his jurisdiction according to his commission,—which had been allowed to remain unacted on through a conviction, it may well be presumed, that he had no rightful authority thereto,—was suddenly recalled to mind, and on the 1st March, 1679–80, he addressed a letter to Carteret, in which he informs him that, being advised of his actions without any legal authority, to the great disturbance of his majesty's subjects, he requires him to cease exercising any authority whatever within the limits of the Duke of York's patent, unless his lawful power so to do were first recorded at New York.¹

To this strange and unlooked-for epistle, Governor Carteret replied on the 20th, after consultation with his council, boldly asserting his authority over the province, and expressing his determination, and that of the council, should force be used, to defend their families and themselves to the best of their ability; and if blood were shed it would be required at the hands of the aggressor; and this they would do until the king had heard and decided the matter.²

¹ Grants and Concessions, p. 673. He also stated that "it being necessary for the king's service, &c., that beacons or sea marks for shipping sailing in and out, and a fortification be erected at Sandy Hook," he had resolved it accordingly, but "having a due regard to all rights or proprieties of land or soil," he would make just remuneration to the owner. To this Carteret replied that whatever might be requisite for

his majesty's service within the jurisdiction of New Jersey they would themselves consider, and that he should oppose the erection of any fort at the point designated until he could communicate with the proprietors. The light house was not built until many years after.

² Grants and Concessions, p. 674. In the simple manner of the times Carteret writes: "The occasion that hin-

On the 13th March, before this letter was received, or even written, Andros issued a proclamation, abrogating the government of Carteret, and requiring all persons to submit forthwith to the king's authority, as embodied in himself. His emissaries were sent into the province, and every covert and sinister means adopted to estrange the people from their allegiance to the proprietary government. Against all this the governor presented a bold and determined front. "It was by his majesty's command," wrote he to Andros, "that this government was established, and without the same command, shall never be resigned but with our lives and fortunes, the people resolving to live and die with the name of true subjects, and not traitors."¹

A crisis in the affairs of the province was certainly approaching. On the 7th April, Carteret was informed that Andros was about to present himself at Elizabethtown for the purpose of demanding the government, and presuming that he would be accompanied by an armed force, a body of one hundred and fifty men was collected and armed to resist any violence that might be attempted. On the arrival of the vessel, however, it was ascertained that the retinue of the New York Governor consisted only of his councillors, with some of his officers and principal merchants; they were, consequently, received with civility, and conducted to the house of Governor Car-

ders this from being sent to you sooner is the foulness of the weather, hindering the council's meeting, as also an alarm we had yesterday of your being come with your sloop and a considera-

ble number of soldiers, which constrained us to put ourselves in a posture of defence."

¹Grants and Concessions, pp. 675, 676.

teret, where a mutual exposition was made of their respective claims to the government of East Jersey.

Andros read the king's letters-patent directing him to receive the whole country from the Dutch, the grant of the Duke of York, and his commission from the latter, as governor; basing his rights upon these alone. Carteret then presented for inspection the several documents received from the king and the duke, making it manifest that Sir George held the province under a title equally as strong and similar in character to that by which Andros claimed it. With these that functionary was already acquainted, and their production anew, as might have been anticipated, was of no avail in convincing him that his pretensions were unfounded. The conference ended as it had begun; Andros closed the consultation by stating that he had now performed his duty by showing his authority and demanding the government in behalf of his master, and by warning the Jerseymen that, if they would not comply with his behest, the peril would rest upon them alone. "Then we went to dinner," says Carteret, in his account of the interview, "and that done, we accompanied him to his sloop, and so parted."¹

This hospitality of the governor was thrown away upon one possessing no responsive feelings of justice or clemency. On the night of 30th April, a party of soldiers, sent by Andros, violently dragged Carteret from his bed, carried him to New York bruised and maltreated, and he was there kept, their close

¹ Grants and Concessions, p. 678.

prisoner, until the 27th May, when a special court was convened for his trial, on the accusation of having "persisted and riotously and routously endeavored to maintain the exercise of jurisdiction and government over his majesty's subjects, within the bounds of his majesty's letters-patent to his royal highness."

Under these trying circumstances, the spirit and firmness of Carteret quailed not. When brought before the court, over which Andros himself presided, he boldly acknowledged the refusal on his part to resign the government without the special command of the king, demanded his release from confinement on parole, to appear when his sovereign might require it, and protested against the jurisdiction of the court, where his accuser and imprisoner was also to be judge. He subsequently withdrew his protest, and submitted the documentary evidence substantiating his authority. The jury brought in a verdict of "not guilty," which Andros would not receive. Twice or thrice did he charge them anew, and oblige them to retire for farther consideration; but, to their honor be it recorded, notwithstanding the presence of the despot, and the apprehensions they might reasonably have entertained of experiencing his vengeance, they were firm in abiding by their first decision. They required the governor, however, to give security not to assume any authority on his return to East Jersey, in order that the matter might be referred to the authorities in England.¹

¹ Grants and Concessions, pp. 678 to 681, 683. Some years after the issue of the first edition of this work, Peter Sluyter, (who were in New York at the time), was discovered in Holland by Mr. Henry C. Murphy, and the Journal of Jasper Dankers and has since been translated and publish-

Andros lost no time in availing himself of this virtual deposition of Carteret. On the 2d June he met the Assembly of New Jersey at Elizabethtown, presented again his credentials, and recommended such an enactment as might confirm all past judicial proceedings, and the adoption of the laws then in force in New York, which had emanated from a convention at Hempstead, Long Island. The representatives of the people of East Jersey, while they appear to have been sufficiently impressed with the power and authority of Andros to treat him with respect, were not unmindful of what was due to themselves; they exhibited towards him the bearing of freemen who were not tamely to assume any yoke he might presume to place upon their necks, and expressed their opinions plainly and decidedly on the matters submitted for their consideration. Andros, in his speech, had alluded to the protection secured to them by the "King's letters-patent under the great seal of England," and in their reply they said, "As we are the representatives of the freeholders of this province, we dare not grant his majesty's letters-patent, though under the great seal of England, to be our rule or joint safety; for the great charter of England, alias *Magna Charta*, is the only rule, privilege and joint safety of every free-born Englishman. What we have formerly done, we did in obedience to the authority that was then established in this pro-

ed as the first volume of the Memoirs of the Long Island Historical Society. The account therein given of the circumstances connected with this remarkable trial of Carteret is sufficiently interesting to warrant its insertion, appended to this chapter. It is a notice-

able circumstance that Carteret's own unvarnished narrative, quoted from in the text, should, at this late day, receive such an unexpected and perfect corroboration from a contemporaneous source.

vince. These things which have been done according to law require no confirmation." They presented for his approval the laws already in force and adapted to their circumstances, and expressed also their expectation that the privileges conferred by the "Concessions" would be confirmed.¹ It does not appear that these views of the assembly were dissented from by the governor, or that his visit to the province was productive of either good or ill.

Through the tardiness of those interested, in England, Governor Carteret was kept in suspense for several months as to the decision of his superiors upon the matters referred to them; but on the 2d March, 1681, he issued a proclamation, announcing the receipt of, to him, most gratifying intelligence from Lady Elizabeth, executrix of Sir George Carteret's estate, dated the September previous, to the effect that the Duke of York wholly disowned the acts of Governor Andros, and denied having given any order or authority which could, in the least, have derogated from that vested in the proprietary.² Carteret, therefore, resumed the government, and subsequently a letter was received by Andros, bearing date the 6th November, 1680, from the Duke's secretary, notifying him that his royal highness had relinquished all right or claim to the province, save the reserved rent.³

On the receipt of this information, or about this time, Andros went to England, leaving as his repre-

¹ Grants and Concessions, pp. 681 to 683.

² Grants and Concessions, p. 686, and see Note N.

³ Grants and Concessions, p. 685.

sentative Anthony Brockholst, president of the council. Some authors assert that he had incurred the displeasure of the duke by his conduct towards the governor of East Jersey, and that he was recalled in consequence thereof.¹ That his visit to England was in obedience to a command from the duke, there can be no doubt, but it was to answer charges, preferred against him by the people of New York, of such a nature as to lead the duke to think an investigation necessary for his own interest. Andros submitted to the inquiry, and having satisfactorily shown that his conduct in office had been such only as the charter of his master's measures required, he was acquitted.² He did not return to the province, but the fact of his being appointed in 1686 governor of New England, by the duke, then on the throne as successor to his brother Charles, does not indicate any decrease of confidence; indeed James possessed, in Andros, a desirable instrument to carry out any system of tyranny or aggrandizement he might frame.

There is assuredly considerable mystery about the conduct of Andros towards New Jersey, while administering the government of New York, which every known document or authority fails satisfactorily to explain. The existence of the party in East Jersey inimical to the proprietary government may have led him to cherish the idea of regaining it for the Duke

¹ Smith's N. Y., p. 46. Douglas, not entirely assured of the fidelity of his governor. John Lewen was sent

² Dunlap [N. Y., I. 133] says Andros returned to England in full favor with the duke; but it is apparent, from the records, that the duke was

out in 1680, as commissioner to examine into the state of the province, the amount of revenue, &c. N. Y. Col. Docs., III. pp. 279-283, 302-316.

of York, and, in connection with the probability of his having been influenced by advice from other parties, can alone account for his pertinacity in exercising authority in the province, in direct opposition to the expressed will of the duke, as contained in the grants to Sir George Carteret, and other documents. Even after the departure of Andros for England, and the receipt of the notification from the Duke's secretary, which has been mentioned, Brockholst still refused to recognize the authority of Carteret.¹

The unanimity which has been referred to as prevailing in the councils of the province, may have been partly owing to the existence of a common danger; the government of Andros not being desirable even by those unfavorably disposed towards Carteret, and leading them to co-operate with the friends of the proprietaries to a greater extent than would otherwise have been the case. So soon, however, as Carteret's authority was firmly established, mutual bickerings commenced. In October, 1681, on the Assembly's convening at Elizabethtown, a violent discussion arose between the governor and his council, on one side, and the assembly on the other, as to the right of the proprietary to make alterations in the "Concessions" promulgated in 1665; the latter body being disposed to set aside those subsequent provisions which militated against the powers conferred upon them at first. Both parties were equally pertinacious, and to put an end to the fruitless altercation, the governor, for the first time in the history of New

¹ Grants and Concessions, p. 687. warrant for the course of either Andros or his deputy.

Jersey, dissolved the Assembly ; a measure against which the deputies protested as one fatal to their rights and privileges, and which they pronounced inconsistent with the governor's commission and instructions.¹ This was the last assembly during Governor Carteret's administration, for the ensuing year he resigned the government into other hands.

It is necessary now to recur to the course of events in England.

The exertions of the friends of the West Jersey settlers to obtain release from the imposition of duties

¹See Note O. Chalmer's. p. 620. Captain Henry Greenland (of Piscataway) and Captain Robert Vicars, then Secretary, appear to have been instrumental in bringing about the dissolution of the assembly. In 1683 an act was passed declaring them incapable of holding office in the province in consequence of their conduct in 1681, and "since, by keeping courts by special commission from the late governor." The proceedings of these courts - were also annulled. Among the cases in which, as Justices, they had acted in November, 1681, was that of Edward Slater, found guilty of uttering "very Pnishouse and Squerillousse words Rendering the Gouvernement of the provinse the Gouvernor and Counsell Odyouse in the Eyes and hearts of the people." When the day of retribution came, Slater brought suits against both Greenland and Vicars for false imprisonment and they were both fined. Vicars was indicted for, among other things, "exercising arbitrary power, authority and jurisdiction over the plantations, and for dissolving the Assembly contrary to the Concessions," and is said "to be of no good fame or reputation within

the province, but a supposed criminal from England," and "a common nuisance." Although styled by Governor Carteret in his will his "beloved friend," he was accused by Rudyard's Council as having upheld the Nicolls' patent as well as having "behaved impiously and vexatiously against former houses of deputies," and made many "Irregular and vnjust entryes on Record." Refusing to give security for his good behavior he was imprisoned in the Woodbridge Jail. [E. J. Records, Lib. IV. p. 15, &c. Journal of Council, pp 14, 25, 26.] The disfranchisement of Greenland was not confirmed by the proprietaries, on the ground that he had not been convicted of any crime in due course of law. He was originally from Newbury, Mass., where he was allowed to depart in 1664, unpunished for gross immorality and breach of the peace, because of his being "a stranger and a great man." He resided in Kittery from 1666 to 1672 and died in Piscataway Dec. 9th, 1694 Coffin's Newbury, pp. 64-67. Whitehead's Amboy, p. 402. Grants and Concessions, pp. 228, 280, 281. Danker's Journal, p. 170.

on their imports were so well directed, and the illegality of the proceeding exhibited in such a spirited and able manner before the commissioners (to whom the Duke of York, wrought upon by their importunities, at last consented to refer the matter,) that Sir William Jones, whose opinion was solicited by the commissioners with an understanding that they would abide by it, decided explicitly in favor of the complainants. "I am not satisfied," said he, "that the duke can demand that or any other duty from the inhabitants of those lands," there being "no reservation of any profit, or so much as jurisdiction," in the grants to Berkley and Carteret.¹ No farther plea for delay could be advanced by the Duke, and he, therefore, in August, 1680, confirmed West Jersey to the proprietors thereof, free and untrammelled; and on the 16th October, following, relinquished all his pretensions to East Jersey in favor of the grandson and heir of Sir George Carteret,² the result of which, was the notification to Andros, already mentioned. Grahame, in his History of the North American Colonies,—al-

¹ The subject seems to have been referred to the Commissioners by Sir John Werden in the following terms: After stating that under the Dutch a custom of ten per cent. had been collected for many years, which had been continued under Gov. Nicolls and reduced by Andros to five per cent., the document proceeds—"y^e Quakers exclaim ag^t it, pretending y^t they ought not to pay any. Quære? Whether by the Graunt to the Quakers (& to S^r G. Carterett) of the soyle, &c., They be impowred to set up distinct Governments, Principallitys or Common-

wealths within their Respective Lands? or whether they are not still lyable, as all other Inhabitants in those Territories are, in the Lawes established in New York for y^e whole Territory depending on it." [New Jersey Col. Docts.] The case was plainly stated and plainly answered. Chalmers, p. 626. Grahame II., pp. 284, 285. N. J. Hist. Soc. Proc., X. pp. 116, 117, 132, 133. See Note N.

² Bill in Chancery, p. 8. E. J. Records, II. p. 17. N. J. Hist. Soc. Pro. X. p. 137.

luding to a document prepared and submitted to the commissioners by George Hutchinson and other Quakers, under the supervision of William Penn, containing their arguments in opposition to the duke's claims,—observes: "I question if it be possible to point out in any of the writings or harangues of which that period was so abundantly prolific, a more impressive or magnanimous effort for the preservation of liberty, than is evinced in this first successful vindication of the rights of New Jersey. One of the most remarkable features of the plea which the provincials had maintained, was the strong and deliberate assertion that no tax could be justly imposed on them, without their own consent and the authority of their own general assembly. The report of the commissioners in their favor, and the relief that followed, were virtual concessions in favor of this principle, which in after ages was destined to obtain a more signal triumph in the independence of North America."¹

Sir George Carteret died, as has been stated, in 1680, and by his will, dated December 5th, 1678, left

his widow, Lady
 Elizabeth, executrix of his estate and guardian of his grandson and heir;² and devis-

¹ Grahame II. p. 287. Edit. 1837. For the admirable document at length see Smith's N. J. p. 117.

² Sir George's heir was son of Sir Philip, a deceased son, and was also named George, to whose benefit any surplus, after paying his debts, should enure. He was married when only

eight years of age, to the youngest daughter of the Earl of Bath; a match agreed upon between the Earl and Sir George, more effectually to cement the friendship existing between the families. In the library of the New Jersey Historical Society is the original release of the Duke of York, mentioned on

ed to Edward, Earl of Sandwich; John, Earl of Bath; Hon. Bernard Grenville, brother to the Earl of Bath; Sir Thomas Crewe, Kn't.; Sir Robert Atkyns, Knight of the Bath; and Edward Atkyns, Esq., one of the Barons of the Exchequer; and their heirs, among other lands, all his property in East Jersey, in trust for the benefit of his creditors.¹ These trustees, with the exception of the Earl of Sandwich, whose signature was not affixed to the documents, on 5th and 6th March, 1679-80, by lease and release conveyed the province with other property to Thomas Cremer and Thomas Pococke; but, as no copies of these documents are known to exist, whether this transfer was for a special purpose, or failed of entire execution for the want of the signature of the Earl of Sandwich, has not been ascertained.² It is certain, however, that on the 20th February following (1680-1), the Earl of Sandwich released all his interest in the trust to his associates, and they again commenced negotiations for the sale of the province in accordance with the will of Sir George; but failing to find a purchaser by private application,³ it was offered at public sale

Page 100, dated September 10th, 1680 (but not executed until October 16th) confirming East Jersey to the young Sir George and bearing a certificate of Sir George Jeffreys to the Duke that it is "A Confirmation and Release to Sir George Carteret, Baronet, and his heirs of his Moyty of New Jersey in the Parts of America, In the same nature as is already Graunted, confirmed and released to Mr. Billing and others and their heires of the other Moyty." The document would appear to have been executed without consul-

tation with the trustees, or reference to the then condition of the title, and seems not to have been recognized as of any value, never being referred to in any subsequent transfer. N. J. Hist. Soc. Proc. X. p. 136.

¹ Bill in Chancery, p. 8. Grants and Concessions, p. 73. E. J. Records p. 17. N. J. Hist. Soc. Proc. X. p. 136.

² N. J. Hist. Soc. Proc. X. p. 137.

³ In a list of ancient MSS. advertised for sale in London in 1835, was one with the following title. "A letter from the Earl of Bath to Lord Norreys,

to the highest bidder: William Penn, with eleven associates, most of them, if not all, of the Quaker persuasion, some of them already interested in West Jersey, becoming the purchasers for £3400.¹ Their deeds of lease and release were dated 1st and 2d February, 1681-2, and subsequently each of them sold one-half of his respective right to a new associate, making in all twenty-four proprietaries.²

THE LORDS PROPRIETORS.



SIR JOHN BERKLEY was born in 1607. He commanded the army against the Scots in 1638, and was knighted at Berwick in that year. He bore a conspicuous part in the civil wars that followed, supporting the royal cause. He remained in exile with the royal family, in 1652 was placed at the head of the Duke of York's establishment, and in 1658 was raised to the peerage by the exiled monarch, as Baron Berkley of Stratton, in the county of Somerset—the

dated April 16th, 1681, being a proposal for the sale of the Province of New Jersey (it should have been East Jersey), a country almost as large as England, belonging to the late George Carteret, for the small sum of between five and six thousand pounds."

¹ Grahame II. p. 289. N. J. Laws, 1834-5, p. 175. Originals of the Lease and Release to the twelve are in the Secretary of State's Office at Trenton, presented in 1834 by descendants of Clement Plumstead, one of the grantees.

Other originals are in the possession of the N. J. Historical Society, making it probable that each grantee received a set. Cremer and Pococke joined with the executrix and trustees in the execution of the papers.

² E. J. Records. Grants and Concessions, p. 73. Bill in Chancery, p. 8. Some of the original deeds from the first to the second twelve are in the possession of the N. J. Historical Society.

scene of one of his military triumphs. On the restoration, he became one of the privy council, and towards the close of 1669, lord lieutenant of Ireland ; although some authorities assert that, a short time previous thereto he was "under a cloud," in consequence of his being detected in the selling of offices, and other corrupt practices. Pepys speaks of him as being esteemed "a fortunate, though a passionate, and but weak man as to policy," and "the most hot fiery man in discourse without any cause" he ever saw. In 1675, he was appointed ambassador-extraordinary to Versailles, and died August 28th, 1678.

GEORGE CARTERET

SIR GEORGE CARTERET had been a naval officer of high reputation, and, through the influence of the Duke of Buckingham, was appointed by Charles I. joint governor of the Island of Jersey, and on the breaking out of the civil war, held the office of comptroller of of the navy. He was much esteemed by all parties, and might have been a vice admiral under the parliament, had he not declined the appointment by the express command of the king. Having retired from the navy, he withdrew, with his family, to Jersey, but, subsequently, returned to aid the prospects of the royalists. He was created a baronet, May 9th, 1645. He again went back to his government in Jersey, and there, on the ruin of the royal cause, afforded an asylum to the Prince of Wales, and other refugees of distinction. After this, he defended the island in the most gallant manner against the Parliamentarians, as an ancestor had done before him against the French in 1374, and ultimately surrendered at the command of Charles II. Elizabeth castle, on the Island of Jersey, under Sir George, being the last fortress that lowered the royal banner. At the restoration, Sir George formed one of the immediate train of the restored monarch on his triumphant entry into London ; and the next day he was sworn of the privy council.

He was also declared vice chamberlain, and in 1669, was expelled the House of Commons for misconduct in that capacity. He was

also, at one time, treasurer of the navy. The following singular circumstance, connected with his trial, is given in Andrew Marvell's Letters, [pp. 125, 126, London, 1832.] On the question of Sir George's embezzlement of the public money, the house dividing, "the ayes went out, and wondered why they were kept out so extraordinary a time; the ayes proved 138, and the noes 129, and the reason of the long stay then appeared. The tellers for the ayes chanced to be very ill reckoners, so that they were forced to tell several times over in the house; and, when, at last the tellers for the ayes would have agreed the noes to be 142, the noes would needs say they were 143; whereupon those for the ayes would tell once more, and then found the noes to be indeed but 129, and the ayes, then coming in, proved to be 138; whereas, if the noes had been content with the first error of the tellers, Sir George had been quit." He was afterwards returned to parliament by the corporation of Portsmouth. He married his cousin Elizabeth, daughter of Sir Philip Carteret, of St. Owen, and had issue three sons and five daughters.

The fidelity with which both Berkley and Carteret had clung to the royal cause, gave them, very naturally, great influence at court. Their personal intercourse with both the King and the Duke of York was of the most familiar character—of which the interesting and illustrative diary of Pepys gives abundant evidence—so that it is not remarkable that, having their attention drawn to those western domains, which were then promising such rich results, they should have availed themselves of their advantages to secure some of them for themselves. They were both also proprietors of Carolina.

THE SEAL OF THE PROVINCE OF NEW JERSEY.

The representation of this seal, given on the next page is from an original impression in wax, in an imperfect state, attached to a commission bearing the joint names of Berkley and Carteret, preserved in the library of the New Jersey Historical Society. It is presumed to be the only impression in existence.

From the imperfect condition of the seal, a portion of the inscription was not visible; but what was wanting has been supplied, and the whole is as perfect a representation as could be made.



The centre contains the arms, in duplicate, of Sir George Carteret and Baron Berkley, with their respective monograms.

GOVERNOR CARTERET.

Of Philip Carteret's early life history is silent. He was the son of Helier de Carteret, Attorney-General of the Island of Jersey, with whose history the family were closely identified, and was born in 1639.¹ He is introduced first to our notice on receiving the appointment of Governor of New Jersey, when in his 26th year, from Sir George, to whom he was distantly related;² but we are not permitted to know how much he had previously shared in the events, public and private, of that gay courtier's career. The peculiarities of character and disposition deducible from his official acts are few,

¹ Collins' Peerage.

² In the first edition of this work he was stiled the brother of Sir George, the mistake being due to the fact that

their fathers were both named "Helier."

Their precise relationship was that of fourth cousin. N. J. Hist. Soc. Proc. 2d Ser. I. p. 31. Hatfield, p. 111.

but they seem to have fitted him for the situation to which he was appointed. and to have enabled him to meet, with credit to himself, the various trials of his administration.

Equanimity of temper and firmness of purpose were assuredly his, for he never appears to have been led, amid all the factious broils which prevailed in his government, to the adoption of any measures marked by violence or injustice; while at the same time he unwaveringly pursued that course, which his judgment assured him was best calculated to advance the prosperity of the province, and the interest of the proprietaries. His simplicity of manners was shown in the unostentatious way in which he entered upon the theatre of his official authority, going up from his vessel to the settlement with a hoe on his shoulder, "thereby intimating his intention," said his opponents subsequently, "of becoming a planter with them;" and in his intercourse with the natives he appears ever to have exhibited strict truth and equity.

The Governor brought with him to the province several Frenchmen accustomed to making Salt by solar evaporation, and prior to embarking from England entered into an arrangement with one Samuel Hutchison for an interest in some appliances for facilitating the manufacture, with a view to its establishment in New Jersey; but nothing is known of any attempt thereat,¹

The Governor's permanent residence was at Elizabethtown, where the proprietaries had a house erected for him, afterwards described as having "orchards and grounds" attached. His wife survived him

¹ Mass. Hist. Soc. Coll. 3d Ser. X. pp. 49-53. The appliances designated as "the irons for the Salt works," seem to have been an invention in which Gov. John Winthrop of Connecticut had taken some interest when in England. Carteret forwarded to the Governor from Virginia, when on his way to New Jersey, two letters from Hutchison relating to them. Winthrop acknowledged their receipt and said in reply, "I hear that such irons were sent by him in a ship that came for Massachusetts and were landed at Boston. * * * If he means those

that he had cast in England before I came thence, if there be only those they are not enough by much for a work that should produce quantity worth considering. * * * I know nothing of any intention of Mr. Hutchison to set up such works in these parts of the world. He mentions now *New Jersey, which is a place I know not nor have ever heard where it is*—it would be good to consider the convenience of the place for that commodity and for the rendering of it before expense be laid out."—This was under date of July 18th, 1665.

and inherited all his property, real and personal, within the province. She was the daughter of Richard Smith, of Smithtown, Long Island, and had previously been married to William Lawrence, of Tew's Neck, by whom she had children whom she brought with her to New Jersey. She became the wife of Governor Carteret, in April, 1681, and on his death returned to Long Island. She was a woman of more than ordinary endowments and strength of intellect, and subsequently, 1685, married Col. Richard Townley.¹

The Governor received from Sir George a grant of two thousand acres of land, and made several purchases of other tracts; but he did not live to realize any anticipations of profit he may have formed from the growth of East Jersey, for he died in December, 1682, less than two months after resigning his authority into the hands of his successor. In his will he directed his body to be deposited, if permission could be obtained, in the "Vault of Governor Stephenson's (Stuyvesant's) Bowry, otherways Liberty to be purchased in the Church at New York." In which of these places the remains of the first Governor of New Jersey were deposited cannot now be determined.²

From the light thrown upon it by the brief records of the past, the administration of Philip Carteret, although not faultless, merits the favorable consideration of the historian. Placed in a novel position, encompassed with difficulties, far removed from all sources whence to derive either advice or material support, it would not have been surprising had his errors in government been far greater than they were. Nothing affecting his moral character injuriously has been discovered.

¹ Hatfield, pp. 145, 212-213. Thompson's Long Island, II. pp. 364, 365. Mr. Thompson confounds Lady Elizabeth Carteret, the widow and executrix of Sir George, with the Governor's wife, and states that she was left in charge of the province when he went to England. At that time he was not yet married.

² Murray's Historical Notes on Elizabethtown, gives that town as the place of the governor's burial, upon

the authority of tradition. His will was dated December 10th, 1682. His property in the island of Jersey he left to his mother, Rachel Carteret, during her life, and at its close it was to descend equally to the children of his brothers and sisters; and he directed that "two quarters of wheat" should yearly, for ever, be distributed to the poor in the parish of St. Peter's in that island, to be paid for out of his estate. E.J. Records, Liber A. pp. 17-18.

CARTERET'S TRIAL.

The following is Carteret's own version of his trial, as given in the letter referred to on foregoing pages: ¹

"When I came to my Tryal my Intentions at first was not to have entered a Plea, and to have protested against the jurisdiction of the Court; but finding the Court to be overruled by him [Andros], was forced to enter a Plea, and pleaded not guilty of what he alledged against me in my Presentment; and also was ready to make out and justify my actings as Gouvernor of *New Jersey*, to be legal and by Virtue of Power derived from the King: to which purpose recommended to the view of the Court, my Commission with other Instructions to manifest the same, which was delivered with a Charge to the Jury, who after a perusal of the same by the Jury, was to make a return of their Verdict concerning it, with their Verdict on Matter of Fact, which was thus brought in by the Jury: The Prisoner at the Bar not Guilty. Upon which he asked them Questions and demanded their Reasons—which I pleaded was contrary to Law for a Jury to give Reasons after their Verdict given in; nevertheless he sent them twice or thrice out, giving them new Charges, which I pleaded as at first to be contrary to Law, notwithstanding the last Verdict of the Jury being according to the first brought in by them, *the Prisoner at the Bar not Guilty*, upon which I was acquitted accordingly, as you will [see] by a Copy of my Tryal which here inclosed I do send you, with the rest of Sir Edmund Andros's Proceedings against me."²

The following, confirming the statement of Carteret, and giving other particulars, is from the Journal of Jaspar Dankers and Peter Sluyter, under date of Tuesday, June 11th, 1680.³

"The governor [Andros] attended by his whole retinue of ladies and gentlemen, escorted Carteret, the governor of New Jersey, in great pomp, home to Achter Kol. As we are now about to leave New York, and the affair of Heer Carteret appears to be finished, which happening during our stay here, we would have noticed from time to time, only we thought it was not well to write then what we saw, for various reasons, we do not regard it improper now to state what we heard of it.

¹ Pages 93-95.

² Pages 346-352.

³ Grants and Concessions, p. 684.

"These two governors lived at first in friendship and concord. Carteret came often to New York, and generally to church, when he usually went to the governor's in the fort. A difference afterwards arose between them, but the cause of it I have not heard, or whether it was personal or public. It is certain, however, that the governor of New York wished to bring Carteret and his government to some extent in subordination to him. Carteret claimed to be as perfectly governor of his province as the other was of his, and to possess the same prerogatives as the governor of New York, and even more than he, in respect to trade and other privileges. The governor of New York disputed with him all rights of navigation, declaring the North river was under his own jurisdiction, and, therefore, all persons who passed in and out of it, must acknowledge him, pay him duties, and even unload there, and actually commenced seizing some vessels. Carteret thereupon complained to England, and the governor of New York sent Captain Dyer over there as a commissioner, which he disavowed with an oath, as it is said. This Dyer returned * * * but with what instructions I do not know. * * * From this time forth the governor of New York began to act more stringently towards Carteret, and also towards his own subjects. Carteret obtaining information of what had been done in England by Captain Dyer, called together all the principal men among his people, who represented under their signatures the circumstances of the case and sent the paper to England. The governor of New York went to Staten Island, as to the Jurisdiction over which they disagreed, and sent for Carteret to come there in order, as he said, to negotiate with him in peace and friendship. Carteret, probably perceiving his purpose, refused to go, and requested of him if he had anything necessary to communicate to him, as he was now not far from his residence, and as he, Carteret, had been frequently at the fort in New York, he should come once to his house, where he might be assured he would be welcome. Thereupon the governor returned again to New York with his object unaccomplished, and shortly afterwards, by proclamation, declared the nullity of the government of Carteret; that at the most he was only the head of a colony, namely New Jersey; and that he was guilty of misusing the king's name, favour and authority. [A narration follows of the various annoying proceedings of Andros.] At length he corrupted one of

Carteret's domestics, for Carteret had no soldiers or fortifications, but resided in a country house only. He then equipped some yachts and a ketch with soldiers, arms and ammunition, and dispatched them to Achter Kol, in order to abduct Carteret in any manner it could be done. They entered his house, I know not how, at midnight, seized him naked, dragged him through the window, struck and kicked him terribly, and even injured him internally. They threw him, all naked as he was, into a canoe, without any cap or hat on his head, and carried him in that condition to New York, where they furnished him clothes and shoes and stockings, and then conducted him to the fort and put him immediately in prison. When they seized him at Achter Kol the armed boats had gone home, and the seizure was accomplished through treachery. Two of the head men of Carteret immediately took possession of his papers, such as were of importance to him, and traveled, one to Maryland, and the other, crossing the upper part of the North river to Boston overland, and both to England, in order to remonstrate. The governor [Andros] sent immediately to Achter Kol, took possession of the place, posted up orders, and caused inquiries to be made for the man who had set Carteret over the river, but without success.

"While Carteret was in prison he was sick, very sick, they said, in regard to which there were various surmises. Meanwhile a court of assizes was convened, to which on every occasion the governor was conducted by three trumpeters in advance of him. Carteret was brought before the same court, after him. The governor had caused a seat to be erected in the court room high up above all the others, and higher than usual, on which he sat. Governor Carteret, as a criminal, was in the middle. The court being seated, the governor presented Carteret as guilty of misusing the king's name, power and authority, and usurping the government of New Jersey; that he was only the head of a colony, &c. Whereupon, Carteret having the right to speak, said, it was far from his intention to seek to defend his case before that court; he did not acknowledge it as a court having power to decide his case, because in the first place the question could not be determined in a court of assizes, as it did not concern a private right, but the right of the king; in the next place, if such a question could be disposed of in such a court, this, nevertheless, could not act, because he was not subject to its jurisdiction, and

thereby, because it was a court of one party, and he said this without wishing to offend any of the individual members of the court; yet, notwithstanding all this, he was content that he and his case should be brought before them, in order that they might be witness of what was done and to be done. As to what the governor of New York alleged, he said it was wonderful to him that he should be thus treated, and that they should dispute a matter which neither the governor of New York, nor his court, nor any one in the world, had ever disputed, or with reason could dispute. The governor said he had never acknowledged him as governor of New Jersey. It is surprising, said Carteret, that at one time there can be disavowed before all the world, what has been assented to before all the world at another; and thereupon he took out of his pocket several letters of the governor of New York, all addressed to the governor of New Jersey. The governor did not know what to say to this, except that he had so directed them, because Carteret was generally styled governor, and not because he was so in fact: "for," said he, "although I have done that, can I, therefore, make you governor?" "No," replied Carteret, "but the king has made me governor, and you as well as all the world have acknowledged me as such." The acts of the king in relation to the governorship, were then produced, and it was found that the one to Carteret was some time older than that to the governor of New York, and therefore, said Carteret, it is to be preferred. The governor of New York replied, "mine is younger, and yours is therefore annulled by it." "That is to be seen," replied Carteret. Although the governor of New York had employed a lawyer, he could not succeed. When at last the Jury retired, in order to consult among themselves, Carteret exhibited letters from the king himself, in which he called him governor of New Jersey. The Jury returned and declared Carteret not guilty of what was charged against him. The governor made them retire a second time, saying to them it would be well for them to consider what they did, as more depended upon the matter than they imagined. They came back a second time with the same verdict. Whereupon the governor became very angry, and caused them to go out again, with threats that they should look to what they did, as there was too much depended upon it, for themselves, their entire condition and welfare. Whereupon Carteret told them they had nothing to fear in committing them-

selves into the king's own hands, who had given him authority. Again the Jury returned and gave in the same verdict: That as Carteret was not under them and did not acknowledge them as his Judges, they could not do otherwise in the case; but they advised Carteret to return to his house and business at Achter Kol as a private individual until the case be decided by higher authority, which Carteret was willing to do, not because it was a sentence of theirs against him or even their advice, but because he was compelled to do so and could not at that time do otherwise.¹ And thus the affair stood at our departure, the governor taking him back to Achter Kol, with all the magnificence he could. * * * * This matter transpired before all the world. The principal speeches which were made in court were related to us, and as regards the other transactions we saw them."

GOVERNOR CARTERET'S OFFICIAL SEAL.



¹ The phraseology of this so-called advice was as follows—

"But the Court declare their Opinion and give Judgment, that if he the said Capt. Carteret shall go to *New Jersey*,

he should give Security or Engagement not to assume any authority or Jurisdiction there, Civil or Military." Grants and Concessions, p. 679.

ELIZABETHTOWN BILL, AND ANSWER.

Among the other authorities quoted in the course of the foregoing portion of the narrative, frequent reference has been made to the Elizabethtown Bill in Chancery, and the answer thereto; growing out of the litigation which ensued from the conflicting grants of Nicolls and Carteret. The first was printed by James Parker, in 1747, and has the following title :

" A Bill in the Chancery of *New Jersey*, at the suit of *John*, Earl of *Stair*, and others. Proprietors of the Eastern Division of *New Jersey*; against Benjamin Bond and some other Persons of *Elizabethtown*, distinguished by the Name of the *Clinker Lot Right Men*. With Three large *Maps* done from *Copper Plates*.—*To which is added*; The Publications of The Council of Proprietors of *East New Jersey*, and Mr. Nevill's speeches to the General Assembly, Concerning The Riots committed in New Jersey, and The pretences of the Rioters, and their Seducers.

These papers will give a better Light into the History and Constitution of New Jersey, than any Thing hitherto published, the Matters whereof have been chiefly collected from Records."

"Published by Subscription."

The Bill is signed by James Alexander and Joseph Murray, of Counsel for the Complainants; and, as printed, makes, with the accompanying documents, a folio volume of more than one hundred and sixty pages.

The answer was printed also by James Parker, but five years later, (1762,) and is entitled :

" An Answer to a Bill in the Chancery of *New Jersey*, at the suit of *John*, Earl of *Stair*; and others, commonly called Proprietors of the Eastern Division of *New Jersey*, against *Benjamin Bond*, and others claiming under the original Proprietors and Associates of *Elizabethtown*. *To which is added*; Nothing either of The Publications of The Council of Proprietors of *East New Jersey*, or of The Pretences of the Rioters, and their Seducers; except so far as the Persons

meant by Rioters, Pretend Title against The Parties to the above answer; but a great Deal of the Controversy, Though Much Less of the History and Constitution of *New Jersey*, than the said Bill.—*Audi Alteram Partem*. Published by Subscription."

This answer is signed by William Livingston, and William Smith, Junior of Counsel for the Defendants, and makes a printed folio of forty-eight pages. There are very few copies in existence; the writer has never seen but three, one of which is in his own possession.

The Controversy to which these publications refer was never legally concluded. Before a decision could be obtained, the exciting events of the revolution commenced to agitate the country; the entire cessation of legal business, which ensued, put a stop to the progress of the suit, and it has never been renewed. It would exceed the scope of this work, and occupy much space very little to the satisfaction of the reader, to enter here upon an examination of the merits of the case. The bill of the Complainants is certainly drawn up with great ability, and presents their claims in a light which cannot fail to afford entire satisfaction of their justness and propriety.

The volume of "Grants and Concessions," which is also frequently quoted, was compiled by Aaron Leaming and Jacob Spicer, under an Act of the Provincial Assembly, and published in 1758. It contains all the principal documents referring to the settlement and transfers of both East and West Jersey, with the acts of their respective Assemblies prior to the surrender of the government to Queen Anne; and was published at the instance of the popular party in the province as an offset to the acts of the assembly, published in 1748, under the supervision of Judge Nevill. The volume is quoted mainly for the convenience of the reader, for so far as the purposes of the author required a reference to the documents it contains, the Records of the Eastern Proprietary office might with propriety have been substituted as his authority,—most of the matter in the volume referring to East Jersey, having been there consulted and examined.

WILLIAM SANDFORD AND NATHANIEL KINGSLAND.



Some interest, as well as mystery, is thrown around this name by the records. Whence he came does not appear, but he was probably from the West Indies. His title of *Captain* (of the Militia) was conferred upon him July 15th, 1675:—he then resided at Newark. The observation in the body of the work, respecting his contempt for office, grew out of his declination of a Councillor's appointment tendered him in 1669. His scruples, however, seem to have been overcome subsequently, for in 1682 he served in the Council of Deputy Governor Rudyard, and, as *Major* Sandford, in the Council of Deputy Governor Lawrie.

On the 24th April, 1677, Sandford transferred to Mrs. Sarah Whartman, in trust for the use of his "eldest daughter Nedemiah, and the children naturally born of the said Sarah Whartman, viz.—Catharine, Peregrine, William and Grace," one equal third part of all his property between the rivers Passaic and Hackensack, with one-third of the stock, household stuffs, &c., provided it were improved for her maintenance and the education of the said children, and the principal not disposed of in any way without his consent.¹ Whether he left the neighborhood after this or not is unknown, but the next year, (August 10th,) Mrs. Whartman relinquished all she had received, re-transferring it to Sandford, having of her "own head and obstinate will" violated the condition of the conveyance by removing the stock.²

These proceedings assume rather a strange aspect when considered with reference to the following fact. Sandford died in 1692, letters of administration on his estate being granted 1st September. His

¹ E. J. Records, Vol. II. Lib. I. part 2d, p. 86.

² E. J. Records, Vol. III. Lib. B, p. 304.

will was dated January 3d, 1690,¹ in which he acknowledges Sarah Whartman to be his lawful wife, "some considerable reasons having engaged them to conceal their marriage," and a certificate of the marriage is annexed, signed by Richard Vernon, as having occurred "on board the Pink Susannah in the river of Surinam, the 27th March, 1667." He desires his body "to be buried, if it may be, in his own plantation, without mourning pomp, or expensive ceremonies," and implores his "honored friends Col. Andrew Hamilton,² Mr. James Emott,³ Mr. Gabriel Meenville and Mr. William Nicholls of New York, to assist and favor the concerns of a poor ignorant widow and five innocent children [another daughter, Elizabeth, having been added to those already named] with their best advice, help and council, to preserve them from those vultures and harpies which prey on the carcasses of widows and fatten with the blood of orphans." His daughter Nedemiah married Richard Berry. Catharine married Dr. Van Imburgh, and left numerous descendants, and Elizabeth became the wife of Capt. James Davis; but the fate of the other children is unknown. It is supposed that the Captain William Sandford who was of the Council under Hamilton and Cornbury was his son.

MAJOR NATHANIEL KINGSLAND does not appear to have visited the province. At his death he left one-third of his New Jersey plantation to his nephew Isaac Kingsland. His children who survived him were: *John*, *Nathaniel*, *Isabella*, wife of Henry Harding, *Carolina*, wife of John Barrow, *Mary*, wife of William Walley, and *Esther*, wife of Henry Applethwaite. Isaac Kingsland resided in New Barbadoes, and was in the Council during the administration of Deputy Governors Lawrie, Lord Neill Campbell, and Andrew Hamilton. He died in January or February, 1698,⁴ and left Edmund, John, Mary, Hester, Elizabeth, (which was also the name of his wife,) Frances and Isaac; some of whose descendants are yet residents of the eastern portion of the state.—His brother, Gustavus Kingsland, acted as one of his executors. A sister of Major Nathaniel Kingsland (Elizabeth) was married to a Mr. Mandeville of New Jersey.

¹ E. J. Records, D, p. 280.

² Deputy-governor.

³ Subsequently Secretary of the province, of different courts, &c.

⁴ E. J. Records, F, p. 529.

PERIOD III.

FROM THE TRANSFER OF EAST JERSEY TO THE
FOUR PROPRIETARIES TO THE SUBVERSION OF
AUTHORITY OF ANDROS.

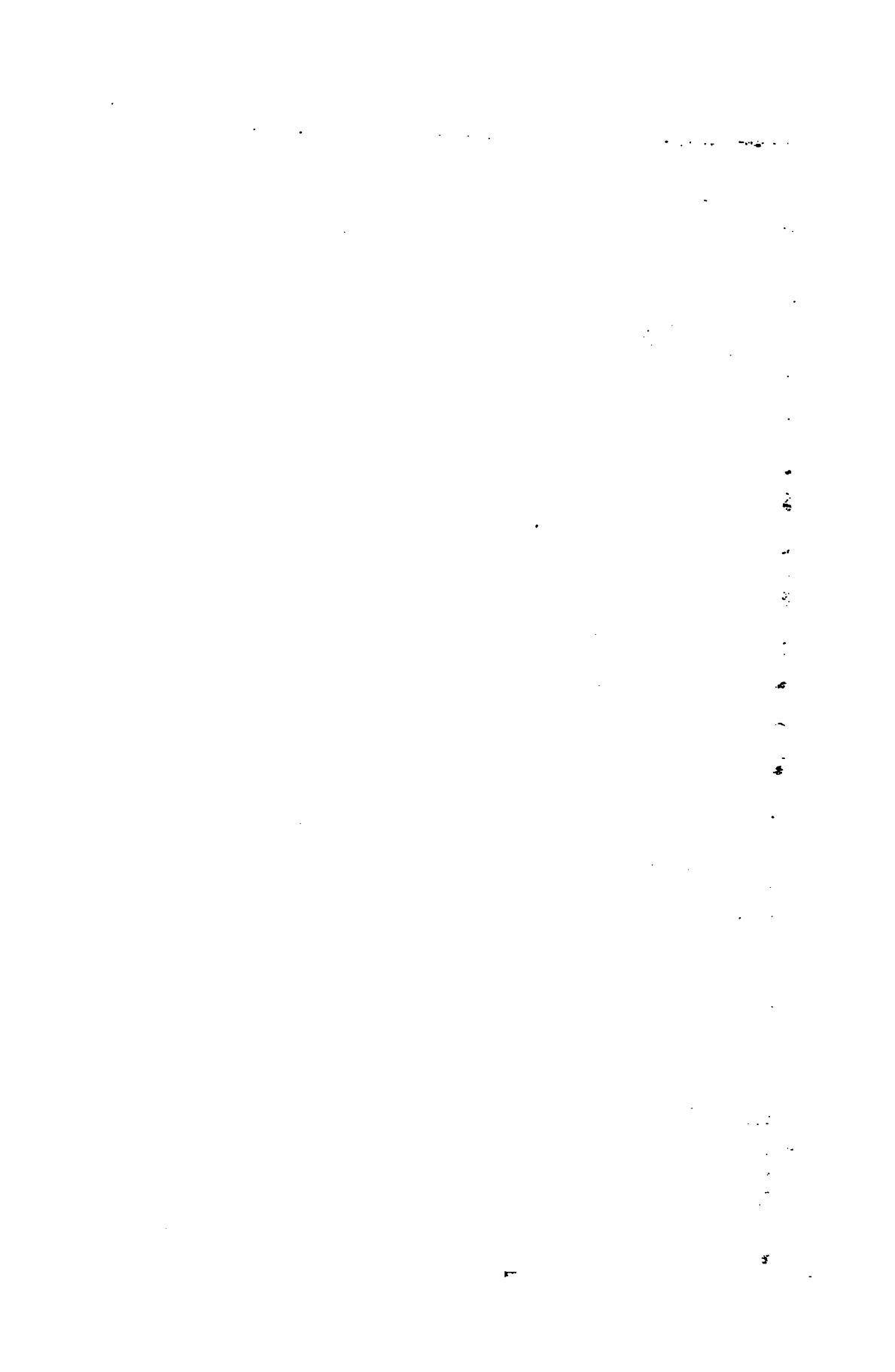
1682-1689.

On the 14th March, 1682-3, the Duke of York confirmed the sale of the province to the twenty proprietaries, by giving a new grant more full and explicit than any previous one, in which their names are inserted in the following order: James E. Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, *William Robert West*, *Thomas Rudyard*, *Samuel Gorton*, *Thomas Hart*, *Richard Mew*, *Ambrose Rigg*, *Heywood*, *Hugh Hartshorne*, *Clement Plumsted*, *Thomas Cooper*, Gawen Lawrie, Edward Byllyng, James Brain, William Gibson, Thomas Barker, Robert Turner and Thomas Warne;¹ those in italics are the names of eleven of the first twelve, *T. Wilcox*, the twelfth, having parted with his interest.² There was a strange mingling of profes-

¹ E. J. Records, A. p. 53. Grants and Concessions, p. 141. Bill in Chancery, p. 9. Gordon gives as "the addition twelve," the names of *thirteen*, among them Sir George Mackenzie, (not the "bloody Mackenzie" of Scottish history, as stated by Grahame,) Robert Burnet, Peter Sonmans, Thomas Cox and William Dookwra, who were all subsequent purchasers. Turney, he calls *Gawen Turner*, he calls *Thoms Warne*, *Thomas Nairn* bly clerical or typographical errors. See Note P., and Notices at the end of this chapter.

² On February 27th, 1682, Barclay.





religions, and characters in these proprietaries, among them being, as an English writer observes, "high prerogative men (especially those from Scotland), dissenters, papists and Quakers."¹

The first twelve proprietaries were most of them, if not all, Quakers, and the majority of the settlers being of other religious sects, the connection with the other twelve, drawn as they were principally from Scotland, and many of them so uncongenial in character and political principles to Penn and his associates, may have been with a view either to allay the jealousy with which a government entirely composed of Quakers might have been regarded by the inhabitants, or to fortify their interest at court by engaging persons of influence in the undertaking.² Whether this last was an object with them or not, they were enabled to obtain a letter from the king, addressed to the governor, council and inhabitants of the province, commanding obedience to their laws and government as absolute proprietors thereof.³

Among the names of the twenty-four proprietaries will be found that of Robert Barclay of Urie, a Scottish gentleman, a Quaker by profession, and a personal friend of William Penn. Him they selected to be governor of the province, being "admired," says Grahame, "by scholars and philosophers for the stretch of his learning and the strength⁴ and subtilty

¹ Wynne's *British Empire*, I. p. 206.

² Grahame's *U. S.*, and see Scot's *Model*, pp. 217, 218.

³ *Grants and Concessions*, p. 151.

⁴ He is generally considered to have been a man of strong mind, but there was certainly some degree of weakness

exhibited by him in connection with his religious belief. For example, in 1672 he walked the streets of Aberdeen in Sackcloth and ashes, in accordance with a presumed divine command. See Spencer's *English Traveler*, p. 657.

of his understanding, and endeared to the members of his religious fraternity by the liveliness of his zeal, the excellence of his character, and the services which his pen had rendered to their cause."

Barclay's education had been received at Paris, under the superintendence of an uncle—the principal of the Scots College in that city—through whose influence he was induced to become a Roman Catholic. In consequence of this he was recalled by his father, and both of them soon after became Quakers. The son gave to the world several works in defence of the principles they had espoused, but that for which he became most celebrated was one, written in the Latin language, entitled "An apology for the true Christian divinity, as the same is preached and held forth by the people, in scorn, called Quakers." This procured him the appellation of "the apologist."¹

Barclay was selected, from the belief that he united every desirable qualification for the office conferred, being equally capable of excelling in worldly matters as in those of a spiritual nature, and possessing great influence, not only among the Quakers, but also with the king and the Duke of York, to both of whom he seems so to have recommended himself by his genius and address as to have maintained with them, and with several of their most distinguished adherents, a friendly and confidential intercourse.² The confidence placed in him by his fellow proprietaries, and the high anticipations formed of the effects of his government on the interests of their province, were

¹See Allibone's Dictionary of Authors for a full and interesting account of Barclay and his writings.

²See Grahame, II. pp. 291, 292. (Edit. 1837.) *Encyclopædia Americana*.

such as to lead them to commission him subsequently as governor for life;¹ and, as if his name alone were "a tower of strength," he was not required to visit East Jersey in person, being permitted to exercise his authority by deputy. The gentleman he selected for that office was Thomas Rudyard, an eminent lawyer of London and one of the proprietaries.²

At the time of the transfer of East Jersey to the twenty-four, the population of the different towns is estimated to have been three thousand five hundred, and the families scattered on plantations throughout the province to have numbered half as many more, making the entire population over five thousand souls.³ Previous to the establishment of an Assembly in New York, which was not until the arrival of Governor Dongan in 1683, the political institutions of East Jersey were so much more liberal in their character, that emigration from the former province became desirable to all appreciating the blessings of civil and religious liberty; and had it not been for the unfortunate dissensions respecting the right of soil, the inhabitants of the province would have been far more numerous. What population there was, however, was unceremoniously transferred with the tract, and placed under the government of rulers with whose elevation to power the people had had nothing to do.

There were eight or ten towns or villages existing which were then situated as follows:

¹ Grants and Concessions, p. 168. This was dated July 17th, 1683, but he had been commissioned, or at least acted as governor some months pre-

viously, for on September 15th, 1682, he commissioned Rudyard as his deputy.

² See notice at end of chapter.

³ Smith's N. J., p. 161.

SHREWSBURY, had a population of about four hundred. Ten thousand acres are said to have been taken up by the town, with plantations contiguous that comprised twenty thousand more. Within the limits of this township, Colonel Lewis Morris of Barbadoes, an ancestor of the family of that name subsequently of note in both New Jersey and New York, had extensive iron works, employing sixty or seventy negroes in addition to white servants and dependents.¹ This was the most southern settlement in the province.

MIDDLETOWN was about equal in extent to Shrewsbury, and contained about five hundred inhabitants. The plantations in the vicinity of this town were considerably improved.

PISCATAWAY had about four hundred inhabitants and forty thousand acres, or thereabout, were taken up for the town and out plantations. There were plantations both above and below the town on the Raritan, and some land on Millstone river was also located.²

¹ The land (3540 acres,) was granted to him October 25th, 1676. Full liberty was given to him and his associates "to dig, delve, and carry away all such mines for Iron as they shall find or see fit to dig and carry away to the iron work, or that shall be found in that tract of land that lies inclosed between the southeast branch of the Raritan river and the Whale pond on the sea side, and is bounded from thence by the sea and branch of the sea to the eastward to the Raritan river, he or they paying all such just damages to the owners of the land where they shall dig mine, as shall be judged is done by trespass of cattle or otherwise

sustained by the carting and carrying of the said mine to the work." [E. J. Records, B, p. 155.] To this plantation he gave the name of Tintern (corrupted afterwards to Tinton), after an estate which had belonged to the family in Monmouthshire, Wales; and from him Monmouth County also received its name. N. J. Hist. Soc. Coll. IV. p. 3. Scots Model, p. 128.

² Governor Carteret, John Palmer of Staten Island, Gabriel Mienville, Thomas Codrington, John White, John Delavalle, Richard Hall, John Royse of New York, James Graham, Cornelius Corssen, Samuel Winder, Robert Vauquellén, John Robinson, William Pinhorn,

WOODBIDGE had its ten thousand acres for the town, and twenty thousand for the adjoining plantations, several of these being improved ; and that section of the province appears to have been highly estimated by settlers. A court house and prison were there, although we may presume them to have been of humble character, and the possession of a charter gave to the town a peculiar consideration in the province. Its population was about six hundred.

ELIZABETHTOWN was a place of considerable importance, comprising within its limits about seven hundred inhabitants, the home lots and out plantations containing forty thousand acres ; it was the seat of government and the place where the principal officers resided, "a house, orchards and farm within the town" having been since 1665 occupied by Governor Carteret.

NEWARK was the most compact town in the province ; about ten thousand acres were taken up for its accommodation, and its out plantations covered forty thousand more ; in addition to these, the plantations of Sandford, Kingsland, Berry, Pinhorne, and others upon the Passaic and Hackinsack rivers, were also included within its jurisdiction. The plantation of Pinhorne and Eickbe¹ near "Snake Hill," (so called as early as 1664,) is particularly noticed as being valued at one thousand pounds ; and Berry and his neighbors are represented as having forty or more

Richard Jones and Matthew Taylor, their respective grants.

had plantations, or were interested in the lands on the river Raritan. Their deeds were obtained in 1681. See Bill in Chancery, [p. 53,] for the bounds of

¹ Winfield says this should have been *Earle*. Hist. Hudson Co. p. 127, note.

negroes engaged in clearing and improving their plantations. The town of Newark contained about five hundred people.

BERGEN contained about three hundred and fifty inhabitants, and included with its adjoining plantations sixty thousand acres of land ; it took within its jurisdiction several improved plantations on the Hackinsack river, New York bay, and the Kill Van Kull, one in particular on Bergen Point of twelve or fifteen hundred acres, first settled by Samuel Edsall during the administration of Colonel Nicolls, was worth six or seven hundred pounds. Bergen also included several growing villages on the western slope of New York bay, comprising in all three hundred and fifty or four hundred inhabitants. There was a settlement also at Hoboken, then called Hobuck, and a mill was erected there belonging to a resident of New York. There were other plantations located farther up on the Hudson river.¹¹

The inhabitants of Bergen, Middletown, Shrewsbury, Woodbridge and Piscataway, as has been already stated, enjoyed the advantages of charters, which enabled them more directly to regulate their local affairs, and Newark was under the government of its select men, chosen after the manner of New England towns ; but in 1675 the whole province was placed, by act of assembly, under the jurisdiction of county courts. Bergen and the adjacent plantations received one, Elizabethtown and Newark another, Woodbridge

¹¹ This account of the province is principally from a report by "Captain Nicolls, secretary of the Duke of York for the province of New York," in [Scot's Model (appended to this volume) pp. 128 to 144.] Smith extracts from it in his History, but does not say where he obtained it.

and Piscataway the third, Middletown and Shrewsbury the fourth. These courts held two sessions yearly, and a court of assize was established holding only one. Subsequently, during the same year, monthly courts for the trial of small causes were created in all the towns, composed of three judges chosen annually for the purpose.

Much of the province was yet an unexplored wilderness, or one which had been traversed only by the hunter of the wild game that abounded, or the no less hardy seeker after desirable tracts of land. A single road, or more probably a bridle path, afforded the only means of communication with West Jersey, crossing the Raritan at Inian's Ferry, now New Brunswick, and the different rivers and streams were the principal avenues whereby intercourse was kept up in other directions. In 1675 William Edmundson, travelling southward from New York, says that,—in going from Middletown to the Delaware river, although with an Indian guide,—he was unable for a whole day to discover the proper course, and he was obliged to go back until his guide could strike the Raritan. They then followed its margin until they came to a "small landing from New York"—probably the ferry above mentioned—and thence wended their way along a small path to Delaware falls. He says: "We travelled that day and saw no tame creature, at night we kindled a fire in the wilderness and lay by it * * next day about nine in the morning by the good hand of God we came well to the falls."¹

¹ Edmundson's Journal, p. 106. Watson's Annals of Philadelphia, p. 91, note.

What an agreeable contrast to this picture does the interior of the state now present! The mind can scarcely seize the fact that, two hundred years ago, where now are beheld cultivated fields and thriving towns, every thing should have worn so wild an aspect.

Such was the condition of East Jersey on the arrival of Deputy Governor Rudyard, accompanied by Samuel Groom, as Receiver and Surveyor General, in 1682.¹ The impression made upon both by the condition and advantages of the country was highly favorable. Rudyard, in a letter to his associates in London, dated the 30th May following, states at length his own views respecting the province, giving it the preference on some accounts over West Jersey and Pennsylvania, both of which provinces he had visited, and informs them that William Penn, who had arrived at Pennsylvania in October previous, on taking a survey of the land, "said he had never seen such before in his life." "The people," says Rudyard, "are generally a sober professing people, wise in their generation, courteous in their behavior and respectful to us in office among them;" * * "there is not an industrious man, but by God's blessing, may not only have a comfortable but plentiful supply of all things necessary for this life." And he portrays the delights of the climate, and the goodness of the soil, evinced by its manifold and bountiful productions, in a manner that shows his satisfaction with his

¹ Groom was also a proprietor. in the province November 13th, 1682. They were both appointed the same E. J. Records, C., pp. 2-5. Stirling's day, September 16th, 1682, and arrived Bill in Chancery *vs.* John Hunt, p. 9.

adopted country. Groom, also, wrote in exalted terms of the "braveries of the land," and of the readiness exhibited by the inhabitants of other provinces to remove to East Jersey so soon as lands could be allotted them.¹

On the 10th December following his arrival, Rudyard appointed as his councillors, Colonel Lewis Morris, Captain John Berry, Captain John Palmer, Captain William Sandford, Lawrence Address, and

Benjamin Price, before whom, *Ben: Price* on the 20th December, he was sworn into office as deputy governor. He had previously (on the 1st) taken the oaths as chief register of the proprietors, to which office he had also been appointed.²

He was furnished with a letter to the planters and inhabitants, expressing the hope of the proprietaries that harmony and friendly feelings would prevail between the governors and the governed, and stating the obligations which they conceived were imposed on them to use all lawful and just means to make the province prosperous; in which event they were all alike interested; for, as they expressed themselves,

¹ See their Letters in Scot's Model, pp. 146-160. Groom's letter, after performing its journey to Scotland, and being there widely circulated, exerting considerable influence in inducing emigration, was brought back to the province, and is now in the possession of the Rutherford family, in a good state of preservation. The preference given to East Jersey over Pennsylvania in these letters appears to have displeased those in authority in the latter province, and in June, 1683, a committee

was appointed by the Council "to goe to East Jersey and communicate to y^e Gov^r & Council, their ~~Certain~~ passages written to England by some of their Province, as Injurious to the Welfare and Prosperity of this." Penn. Col. Records, I. p. 19.

² E. J. Records, C. p. 5. Journal of Council 1682-1703, p. 5. His commission as such, in an imperfect condition, is in the Library of the N. J. Hist. Society.

“the satisfaction and benefit we propose to ourselves, is by the good success of your affairs, which we are resolved to advance, knowing that your interest is now so bound up with ours, that we cannot suffer if you prosper, nor prosper where you are injured.”¹ The nature of their instructions to the deputy governor does not appear from the records, but we may safely presume them to have accorded with the mild, sincere, and reasonable language of their letter, and to have conduced, therewith, to the establishment of the peace and order that followed.²

The previous “Concessions” were confirmed, and an Assembly called by Rudyard, which convened at Elizabethtown, on the first of March, 1682–3, and held two subsequent sessions during the year,³ passed several acts of importance, tending to the well being of the province. Among others, were the following:—An act dividing the province into four counties and appointing a high sheriff for each; ‘Bergen’ included all the settlements between the Hudson and Hackinsack rivers, and extended to the nothern bounds of the province; ‘Essex’ included all the country north of the dividing line between Woodbridge and Elizabethtown, and west of the Hackinsack; ‘Middlesex,’ all from the Woodbridge line on the north to Cheesequake harbor on the southeast, and back southwest

¹ Grants and Concessions, p. 167.

² These instructions, although not on record, are referred to in subsequent directions to Lawrie. For those on whom the language of persuasion might have little effect, Rudyard received a proclamation from Charles,

dated November 23d, 1683, *commanding* obedience to the proprietaries. E. J. Records, A, p. 1. Grants and Concessions, p. 151.

³ May 9th to 31st, November 20th and 23d to December 5th.

and northwest to the province bounds; and ' Monmouth, comprised the residue:—Acts, modifying to some extent the character, jurisdiction and proceedings of the county and other courts, and remodelling the criminal and penal codes:—Fugitive servants, and those who might abduct them, were made liable to penalties and punishment:—No freeman was to be imprisoned save by the judgment of his peers:—Resisters of authority, profane swearers, drunkards, incestuous and lewd persons, and Sabbath breakers, were made subjects of special acts:—Trading with negro slaves was forbidden, and intercourse with the Indians regulated; the formation of treaties with them being prohibited save by the authority of the governor:—Commissioners were appointed in the different counties to lay out roads and settle landings, bridges and ferries:—Different acts regulated the recovery of debts from non-residents, and required strangers to give bonds to prosecute before they could procure the arrest of any individual:—Jails and pounds were to be erected in the several counties and towns:—Vexatious delays in proceedings at law were guarded against; the militia laws remodelled; and such was still the danger of wolves, that the bounty upon their heads was continued:—Each town was required to pay its own deputies, at the rate of four shillings per day, and absent representatives were fined five shillings per day:—Fifty pounds were levied on the different counties to defray the public charged.¹

¹ Grants and Concessions. Bergen sex, £10, Monmouth £15. was assessed £11, Essex, £14, Middle-

The administration of Rudyard appears to have been productive of beneficial results, his judicious proceedings having overcome effectually any opposition entertained by the people to the authority established over them so unceremoniously, and to have secured a good degree of harmony among the varied interests and discordant principles prevailing in the province. But after obtaining their affirmatory grant from the Duke of York, the Proprietaries deemed it advisable to appoint another deputy governor. No dissatisfaction seems to have been expressed at any of Rudyard's acts prior to the appointment, and their confidence in him continued unimpaired, although differing from him in opinion as to the policy of certain measures.

In the laying out and allotting lands, the deputy governor, sustained by the council, adopted a course which, as it was at variance with the views of Groom, the surveyor general, led to that functionary's being virtually superseded, Philip Wells being appointed deputy surveyor to carry out the views of the Governor and Council.¹ The Concessions contemplated the division of all large tracts of land into seven parts, one of which was to be for the proprietors and their heirs.² Groom refused to obey the warrants of survey for such tracts, unless they recognized such an interest of the proprietors therein;³ but Rudyard and his council asserted that the warrants of survey did not determine the rights of the respective parties concerned, that being the effect of the patents sub-

¹ Journal of Council, pp. 82, 85-88.

² Journal of Council, p. 86.

³ Grants and Concessions, pp. 23-25.

sequently granted. But, although this technicality appears to have been the sole ground for their action, publicly stated, it is probable that they conceived it more advantageous to grant such tracts irrespective of the proprietors' sevenths, as it would conduce to the more rapid settlement and development of the resources of the province.¹ The proprietaries in England, however, although they acknowledged the great services he had rendered them in "curbing the tumultuous spirits in the province," did not approve of Rudyard's conduct in this matter; they, therefore, re-affirmed their confidence in the surveyor-general, and annulled all grants that had not been regularly surveyed by him.²

The person now selected to represent the virtuous Robert Barclay, was one of his own profession, Gawen Lawrie, a merchant of London and a proprietary, who, as one of the Byllynge's trustees, was already deeply interested in West Jersey. Although he may not have occupied as elevated a position in society as the eminent lawyer whom he superseded, yet Lawrie possessed qualifications which were well calculated to fit him for the situation to which he was appointed; in-

¹ Journal of Council, pp. 85, 88.

² They complicated the matter, however, by saying "we will never consent that the Governor and Council shall dispose of our land upon what terms and to whom they seem meet, without the consent of the greater number of the proprietors or their proxies." [Grants and Concessions, p. 182.] To this, when communicated to the Council, Rudyard entered his solemn protest, and after discussion of the matter

the new Deputy Governor and Council unanimously determined that, as the majority of the proprietors were not represented in the province, the instructions received could not be carried out; "and that until the Governor and Council hear farther from the proprietors, they will lay out Land as formerly. The denying or forbearing thereof will be of absolute loss and damage to the Province." Journal of Council, pp. 108-109.

telligence, activity, energy and business habits being made conspicuous in his management of affairs.¹ His commission was dated at London in July, 1683,² but he did not arrive in the province until the beginning of the following year, his commission being read in council, and the oath of office administered to him on 28th February.³

Rudyard retained the office of secretary and register, the duties of which he performed until the close of 1685, when he left the province for Barbadoes; being succeeded as Secretary of the province by James Emott.⁴



¹ See notice at the end of this chapter.

² Grants and Concessions, p. 168.

³ He says in his letter to the proprietors in England, preserved in Scot's Model, "that his commission was published before his council on that day, March 2d, but the records show that it was done on the 28th February. It is probable his letter was dated after it was written, to correspond with the time of its departure. The council of his predecessor received him courteously, and he appears to have continued the members in office, excepting John Palmer, whose "public employ" in New York led him to desire "a discharge from the Service of the Board," and Lawrence Andress, who was seldom present. He added, however, to the number of Councillors so that the full board consisted of Colonel Lewis Morris and Richard

Hartshorne, of *Monmouth*; Major Berrry, of *Bergen*; Major Sandford and Isaac Kingsland, of *New Barbadoes*; Captain Thomas Codrington, of *Racawackhana, Middlesex*; Benj. Price and Henry Lyon, of *Elizabethtown*; and Samuel Dennis, of *Woodbridge*; Col. Morris, living most of his time in New York, does not appear to have ever met with the council—he died in 1691. Smith (p. 175,) gives to the council the credit of quieting, by their prudent conduct, considerable disturbance in the province, particularly about Middletown and Woodbridge, "relating to town affairs," but he probably errs in the date.

⁴ April, 1686. Journal of Council, p. 120. In August, 1684, Rudyard was allowed two hundred pounds for his services as governor. Grants and Concessions, p. 197.

The new deputy-governor brought out with him a code of general laws, or "Fundamental Constitutions" as they were called, consisting of twenty-four chapters, or articles, adopted by the proprietaries in England for the government of the province, which differed in some particulars from the Concessions of Berkley and Carteret, and was deemed by its framers so superior to them that its privileges and benefits were to be extended only to those who would submit to a re-survey and approval of their several grants, arrange for the payment of all arrearages of quit rents, and agree to pass an act for the permanent support of government; all others were to be ruled in accordance with the Concessions.¹

A comparison of the two codes, presents no features in that now offered for the approbation of the inhabitants, warranting the high estimation of the proprietaries; on the contrary, there were many points upon which the people might naturally be expected to object to its introduction. Lawrie, himself, appears to have been convinced of the impropriety of putting it in operation, by taking no steps to effect it. That this was acting wisely there can be no doubt. The adoption of the new code would necessarily have brought the greatest confusion into the administra-

¹ Grants and Concessions. pp. 153-181; the original Document is in the possession of the N. J. Hist. Society. See Note Q. "We recommend him to take care to let the people rightly understand the advantages yielded to them by this scheme of government now sent over, and how much it exceeds their former concessions, which,

if rightly understood by them, we hope will be a means to satisfy them; and also we desire that he may as soon as possible he can, order it to be passed in an Assembly, and settle the country accordingly thereto." Proprietaries' 13th Instruction to Lawrie. They little understood the temper of *their subjects*.

tion of the government, for as an uniform compliance with the terms proposed could not have been expected, the tendency of the proprietary instructions was actually to establish two distinct classes, subject to different laws, bound to the performance of different duties, and enjoying different privileges. This was a sufficient reason for the non-adoption of the "Fundamental Constitutions," but it is probable, likewise, that the terms were thought too harsh; their acceptance by the people involving the destruction of a system of government already established and tried, and which, in all its general characteristics, was in accordance with their views. Through the discretion of Lawrie, therefore, the civil polity of the province remained unchanged.¹

The province made as favorable an impression upon Lawrie, as it had upon his predecessor, and he is warm in his expressions of satisfaction, not only with the aspect of the country, but also in regard to the con-

¹ Gordon says "the new proprietaries do not appear to have deemed any modification of the civil polity of the country necessary." Why then propose the new code? It is probable that Lawrie had reference to the adoption of this new system, when, shortly after his arrival he wrote to the proprietaries, "I cannot at present mention all particulars, which you must supply by some general clauses or words, for it is not possible for you to understand what is for the good of the province as I do that am here." Instructions were subsequently given, (August 1684,) authorizing the confirmation of the acts of the Assembly as constituted under the Concessions, and providing for the adoption of the

"Fundamental Constitutions" by the Assembly before putting them in force. [Grants and Concessions, p. 196.] The document was so submitted on the 14th April, 1686, and on the 19th the Assembly returned answer "that they apprehended the same did not agree with the Constitution of this province, and that they understood that the same were no wise binding except past into a law of the General Assembly." [Journal of Council, pp. 128, 131.] Nothing more is known of any further steps to secure the adoption of the instrument by the Assembly—probably none were taken, as the Council took the same view of it as the Assembly. Journal, pp. 125, 126.

dition of the people he was sent to govern. "There is not a poor body in all the province, nor that wants," wrote he to the proprietaries in England; and he urged them to hasten emigration as rapidly as possible, with the annunciation "here wants nothing but people;" his discerning mind at once discovering in the sparseness of the population, and especially of the class favorable to the proprietary interest, one great cause of the difficulties his predecessors had encountered. Emigration, he thought, would "bring all the division that hath been here to an end, for these men seeing that they shall be balanced, are already more compliant than they were."

The proprietaries had not been so unmindful of their interests as not to make strenuous exertions to induce the removal of planters and others to their newly acquired territory. The first twelve associates, directly after receiving their deed from the trustees of Carteret, published a "Brief Account of the Province of East Jersey," in which they presented in the most favorable light its advantages of situation, climate and fertility, and set forth the comforts, conveniences and productions which the cultivator of the soil, the tradesman, or the mechanic could so readily render available for his ease and profit within its limits. This was followed in 1683 by a similar publication by the Scotch Proprietors.¹

These publications, aided by the personal influence of Governor Barclay and his associates, created

¹See Note R. for these publications at length. The first is the basis of all the information upon East Jersey in Blome's Book, entitled "The Present State of His Majesty's Isles and Territories in America, &c., London, 1687, by Rich'd Blome,"—frequently quoted though abounding in errors.

considerable interest for the province in the minds of many of their countrymen, at that time dissatisfied with their political condition and suffering under religious persecution.¹ A number of emigrants were consequently soon in motion, and Lawrie, writing in March, 1684, says those who were then arriving would have a tendency to advance the country beyond all its improvement during several preceding years. Many of these early settlers were sent out in the employ of the different proprietaries and most prominent landholders, or under such agreements as would afford to them the benefits of the "head-land" grants for each individual brought into the province; fifty acres being allowed to each master of a family, and twenty-five acres for each person composing it, whether wife, child or servant, each servant to be bound three years, at the expiration of which time he or she was to be allowed to take up thirty acres on separate account.²

Although partial success thus attended the exer-

¹ Grahame, II. p. 293. [Edit. 1837.]

² "Brief Account of East Jersey."

Among those availing themselves of the privileges offered, the following persons are named in the Records: December 16th, 1684. Gawen Lawrie, 8 persons; Wm. Haige, 8; the Scotch Proprietaries, 22 and 2 overseers; Capt. Thomas Pearson, (November, 1684,) 14; Wm. Dockwra, (December 1684,) 24, and subsequently 10 more; John Barclay, (March 1683,) 6; Stephen and Thomas Warne, 11; Robert Fullerton, 9; John Campbell, 8; Captain Andrew Hamilton, 10; David Mudie, 17; Lord Neil Campbell, (December 1685,) 56; James Johnstone, 9; John

Forbes, 4; George Keith, 6; Charles Gordon, 5. Many of these became prominent and influential individuals in the province. Original documents in the possession of the author show that the first shipment from Scotland, excepting that of 1682, brought by Rudyard and Groom, was made on board the Exchange, Capt. James Peacock, in August, 1683. There were 31 men and women servants under two overseers, John Reid and John Hanton, which are supposed to have included the 22 mentioned above as entered in behalf of the Scotch Proprietaries. The cargo was valued at £973,5. 9½, and was in charge of David Barclay

tions of the proprietaries to people their province, they found too many prejudices and objections prevailing among the Scots for the current of emigration to continue. Notwithstanding the disadvantages and sufferings under which their countrymen labored, and from which they could be saved by a transfer of themselves, their families and substance to this new land. a voluntary and perpetual exile, in connection with national and religious objections, seemed to enshroud that proposed refuge in clouds of doubt and uncertainty, too dark for the eyes of many to penetrate sufficiently to behold the bright prospects which the sacrifice required of them would purchase. The proprietaries, therefore, determined to enlighten the public more fully in relation to East Jersey by publishing a historical and statistical account, more particular in its details than their first publication; and in 1685, George Scot of Pitlochie, at their instance, wrote a

"the younger." The vessel sailed from Aberdeen and "happily arrived at Perth Amboy about the mid-

dle of December following." The interests of the several parties are stated as follows:

"To Arent Sonman's

Children, ...	£343 10 4½
To Perth, Melfort & Tarbat, ...	100 00 0
To Ro: Barclay, ...	100 00 0
To Ro: Burnet & Partners, ...	100 00 0
To Will: Dockwra, ...	100 00 0
To Ro: Gordon & Ga: Lowry, ...	100 00 0
To David Falconer, ...	50 00 0
To David Barclay, ...	10 00 0
To Ballance given out for meall by Burnet, which being left behind & sold, repaid him, ...	26 17 3



Also to Ballance to be payed the master of fraught he wanted in Jersey, ... 3 15 0

Also to Ballance payable to Burnet, ... 24 16 2"

In 1684, tracts of land were laid out at Perth Amboy and Changerora, Monmouth county, for the accommodation of the servants under their respective overseers, but the success of neither settlement seems to have been commensurate with the expectations of the projectors; and several vexatious suits and angry disputations which became prominent in following years, indicate that other enterprises, where success

work entitled "The Model of the Government of the Province of East New Jersey in America," in which the objections to emigration were refuted, and the condition of the province stated at length. Its effect was highly beneficial, particularly as the author added example to precept by embarking himself and family for East Jersey. He was accompanied by nearly two hundred persons, and sailed from Scotland in September, 1685, but both himself and wife died on the passage.¹ Other companies followed, and, to use the words of Grahame, "American society was enriched with a valuable accession of virtue that had been refined by adversity, and piety that was invigorated by persecution"—most of the emigrants being "sufferers for conscience sake," the victims of religious intolerance, glad to escape from imprisonment, if not from death, by voluntary expatriation.

The instructions of the proprietaries to the deputy-governor, so far as they refer to the dissensions in the province, were of a nature to soothe the irritated feelings of the colonists, and restore tranquility. Mild in their language, they were yet firm in requiring the execution of engagements which they considered justice to themselves and other settlers called upon them to enforce, but they rendered their performance comparatively easy, by investing Lawrie with all author-

or failure depended on the honesty and efficiency of agents in the province, made but poor returns to the Proprietors who remained in England and Scotland.

¹ See the work at length in the Appendix, and the introductory remarks thereto, for some account of the author. The vessel that brought this

addition to the population, was the "Henry and Francis, of New Castle, a ship of three hundred and fifty tons, and twenty great guns, Richard Hutton, Master." For the details of the expedition see Wodrow's "History of the Sufferings of the Church of Scotland,"—and Whitehead's *Amboy*, pp. 23-41.

ity necessary to make such arrangements with the delinquents as in his discretion he might see meet, "not standing much with them upon small matters." The opposition to the title of the proprietaries, although quieted by these means, was not by any means destroyed. Addresses were presented to the first of the body that came to the province, setting forth the claims under the Indian purchases, and the alleged evils to which the claimants had been subjected. These were answered in a dignified letter,¹ in which it was justly remarked that those who, under any pretence, would endeavor to subvert or weaken the proprietary authority could neither be their friends nor the friends of the province; for such a course would inevitably expose both themselves and others to become the prey of designing men, as had already been experienced. An assurance was added that the just rights and privileges of all concerned in the province would be protected and due encouragement afforded; and the reasonable expectation was expressed, that the care and interest taken by the proprietaries, would be met by due submission on the part of the inhabitants. In order to prevent any additional difficulty from the acquisition of Indian titles by individuals, the regulation respecting their purchase solely under the authority of the deputy-governor was continued in force, and that officer was directed to make a requisition upon the proprietaries for the necessary funds; a cargo of goods, valued at seven hundred and fifty pounds, had been sent out for the purpose as early as 1682, with Rudyard and

¹ *Grants and Concessions*, p. 188.

Groom, under the charge of the latter, and by him expended for the purpose.¹

It was well foreseen by the proprietaries that, if aught could obstruct the welfare of their territory, it would be collision with the province of New York, having for its head the heir apparent to the throne of England, one, whose arbitrary temper and disposition to disregard solemn engagements had already, more than once, been exhibited in connection with East Jersey; conciliation, therefore, was not only in accordance with the principles of Quakerism, but also with the promptings of sound judgment and discretion, as the power to enforce would undoubtedly be an attendant upon the will that might project any hostile measure. They, therefore, required that a friendly correspondence should be kept up with the governor and colony of New York; carefulness was enjoined in avoiding any cause for complaint of interference with their interests, and as they disowned all idea of benefiting themselves by any measures that might be injurious to that province, Lawrie was cautioned against giving encouragement to emigration thence into East Jersey.² Their instructions referring to the intercourse with other provinces were of a different character, the deputy-governor being required to see that "his just and honest interest" should be maintained, and nothing prejudicial to the proprietaries allowed.

The advice respecting New York was followed by Lawrie, for before entering upon the duties of his office he visited the governor of that province, and

¹ Grants and Concessions, p. 176.

² Grants and Concessions, p. 171.

remained with him two or three days, receiving evidences of kindness and respect.¹ Governor Dongan, however, was as desirous as his predecessor had been to re-annex New Jersey to New York, but, being of a less grasping temperament, his wishes led not to the adoption of any open acts of hostility to the existing government.²

The greater number of the proprietaries being in England and Scotland, all orders and instructions, however minute, emanated at first from their councils there; but emigration, and a transfer of proprietary rights soon brought to the province such a number of those directly interested in the soil, that on the 1st August, 1684, a board of commissioners was established, comprising all the proprietaries that might be from time to time in the province, to act with the deputy-governor in the temporary approval of laws passed by the Assembly—the settlement of all disputes with the planters—the purchase and laying out of lands, and other matters.³ This soon after became known as the “Board of Proprietors,” and continued to have the chief management within the province, of those concerns which were connected with the proprietary titles to the government and soil.

To this board was also intrusted the adoption of such measures as might best conduce to the advancement and improvement of a new town to be called “Perth,” in honor of the Earl of Perth, one of the

¹ Scot's Model, p. 163.

² Grants and Concessions, p. 195.

³ Chalmer's Annals, pp. 621, 727,
and see Note B.

proprietarys, standing on what was then known as *Ambo Point*; for the settlement of which proposals had been issued in 1682, immediately on their obtaining a title to the province.¹ This town was a favorite project of the proprietary, and they prefigured for the object of their solicitude a destiny which, as yet, has not been realized.² At the time of Lawrie's arrival, there were several houses already erected and others preparing for erection, (the site having been surveyed and the town laid out by Samuel Groom,) and his attention was immediately given to the execution of the plans based upon the expectation that it should become the chief town and seat of government, as well as the principal seaport of the province.³

In prosecuting their intentions in this last respect the proprietary were particularly cautious; directing Lawrie to take every precaution to prevent infringements of the navigation laws in relation to the payment of duties, or otherwise, in order that no complaint against them on that account might be made;⁴

¹ Brief account of East Jersey. See Note R.

² From the importance of this place as the capital of the province, the influence many of its citizens had upon its affairs, and other considerations, the author might properly have introduced an extended notice of its settlement and progress, had he not, in another volume, given as full an account of its early history as can now be gathered from the dim annals of the period. See "Contributions to the early history of Perth Amboy and Surrounding Country," and "Scot's Model," appended to this volume.

³ In directions emanating from the proprietary in England in November, 1684, the Courts and Assembly are directed to sit, and the deputy-governor required to reside and convene his council at Amboy, but Lawrie appears to have disregarded the order, continuing to reside at Elizabethtown. This disobedience Oldmixon and Wynne mention as the cause of discontent with Lawrie's administration. It may have tended to increase their disapprobation, but there were other causes operating.

⁴ Grants and Concessions, p. 171.

and Lawrie seems to have complied with their behest, in part, by admitting William Dyre, in April, 1685, to the discharge of his duties as collector of the customs in New Jersey.¹

The acknowledgment of this officer led to difficulty. Governor Dongan, when exculpating himself from the charge of endeavoring to subvert the rights of the proprietors, claimed credit for permitting vessels to proceed directly to and from the province, which his predecessors had not allowed ; but so soon as the authority of Dyre was established over East Jersey, the inhabitants found they were debarred this privilege ; their vessels were to be entered, and the duties on their cargoes paid at the office of the collector in New York ; regulations to which they were little disposed to conform. In June, 1685, when Dyre had exercised his office about two months, he complained to the commissioners of the customs of the opposition he experienced, and stated that when he prosecuted vessels, the juries found their verdicts against him contrary to the most undoubted facts, so that all legal redress was denied him.²

¹ E. J. Records, C. Laws, p. 96. The oath of office was administered April 1st, but not submitted to the Council until the 29th. He had been appointed by the commissioners of the customs, collector for both Pennsylvania and New Jersey, on 4th January, 1682. [Minutes of Council, p. 118.] He was sworn in at Philadelphia July 28th, 1685, and appears to have taken up his residence at Newcastle. He was elected to the Provincial Council of Pennsylvania March, 1687, but was objected to on the ground that he had not discharged the duties of his

office "with faithfulness and a good report." In consequence of this, probably, he does not appear to have met with the Council, and in September a writ was issued for a new election to supply his place. Penn. Col. Records.

² Chalmer's Annals, p. 621. The Mayor of New York, in a formal communication to Sir John Werden, under date of May 13th, 1685, complained of the loss to the trade of New York by the setting off of Delaware and the Jersies, amounting to at least one-third. N. J. Col. Docts.

This complaint was referred to the ministers, and acted upon by them with a promptitude which evinced their willingness to avail themselves of any pretext to forward the schemes then under consideration, based upon the representations of the New York governors, for the re-annexation of New Jersey to the territory of James. The Attorney-General was ordered in April, 1686, to issue a writ of *quo warranto* against the proprietaries, the reason assigned being the "great prejudice in the plantations and to the customs here, if such abuses should be any longer suffered in a country which ought to be more dependent on his majesty."¹

The death of Charles II., in February 1685, had raised the Duke of York to the throne as James II., and his investiture with the

James robes of royalty was the prelude to his putting aside all obligations and agreements which conflicted with his views of interest, or interfered with the full exercise of his arbitrary power.² For this very august personage had thrice as Duke of York and Albany, by different patents, and by numerous other documents, conveyed and confirmed to others all the rights, pow-

¹ Chalmers, p. 622. As the result, probably, of this manifesto against New Jersey, and of instructions for "the better putting in execution the acts of Trade and Navigation" issued to Governor Dongan, June 20th. 1686, that functionary, in November or December of that year, sent and took away a vessel lying in the Port of Perth Amboy. A correspondence ensued between him and Deputy-Gover-

nor Lord Neill Campbell, but of its tenor we are ignorant. N. Y. Col. Docts. III. p. 382. Journal of Council, p. 142.

² Bancroft says, (p. 405, 10th Edit.) "He kept his word sacredly, unless it involved complicated relations, which he could scarcely comprehend." If this is true New Jersey must have confused him greatly.

ers and privileges which he had himself obtained in this identical territory, which was now to be made "more dependent" on his sovereign will and pleasure. But he was told his revenues would be increased by an extension of his royal mantle over New Jersey, and hesitate he could not in adopting measures to effect it.

The proprietaries in England were not silent under these proceedings of the crown. In a petition to the King in Council they specified some of the encroachments of the Governor of New York, in relation to the seizure of vessels trading to New Jersey as calculated to discourage farther planting there and tending to overthrow "one of the most hopeful colonies in America."¹ And in a remonstrance which they subsequently presented, they reminded the King that they had not received the province as a benevolence, but had expended for it twelve thousand pounds;² that under his own confirmation of their title and his assurance of protection, particularly as to the use of all the waters for navigation, free trade and fishing, with the right of government, they

¹ N. J. Col. Docs., May 30th 1687.

² This amount must include all sums expended to advance the individual interests of each proprietor, for as late as 1698, in a schedule in the hand writing of William Dockwra, their Secretary, which is in the library of the New Jersey Historical Society, and printed in the Answer of Sterling and others to the Bill in Chancery of John Hunt, the particular sums disbursed by the proprietaries on general assessments to that time, amounted, irrespective of interest, to only £850.6.8., of

which amount only £669.18.5 had been received up to the date of the document referred to in the text. Reference has been already made [p. 136 note] to several of the private enterprises involving large expenditures. The first division of lands was authorized in 1686 of 10,000 acres to each proprietary. Subsequent divisions were made of 5,000 acres in 1698, 2,500 acres in 1702, and 2,000 acres in 1740. Of pine lands 2,000 acres were divided to each in 1739, and 1,000 acres in 1744.

had sent thither several hundreds of people from Scotland, but as yet had received no returns, and that, notwithstanding all these guarantees, their rights had been violated by the Governor of New York. As to an objection raised that the customs paid in New Jersey, were not equal to those paid in New York, they reminded his majesty that New Jersey was a separate government, and consequently, laws enacted in New York were not binding there, but they stated their willingness, should he desire it, to propose to the Assembly of East Jersey the imposition of the same customs that were levied in New York. They even went farther, and prayed that the king, if he deemed a change in the administration of the province necessary, would himself select a governor from the body of the proprietaries, to rule over both East and West Jersey as one jurisdiction; that an appeal from the courts of the province should be had to England only; the proprietaries to be subjected to no interference with their affairs by the king's government, and to have the sole power of treating with the Indians for the purchase of land; and to avoid all future difficulty in relation to the navigation acts, they requested that an officer might be appointed to collect the customs at Perth Amboy.¹

This last was the only request granted, as it was the only one that promised any additional revenue, and did not conflict with the designs then under consideration.² In all other respects James was inexor-

¹ Chalmers, p. 622. N. J. Col. 1687, (Chalmers says May, but the Docta., July 12th, 1687. copy sent to East Jersey is in the au-

² An order was transmitted to the governor of New York, in August, and see N. Y. Col. Docta., III. p. 428,)

able; his friendship for Barclay, and all the influence of the Earl of Perth and other courtier proprietaries being of no avail in deterring him from involving New Jersey with the other colonies whose charters and constitutions he had resolved to annul.¹

Complaints having been made to Charles II. against the colony of Massachusetts Bay, he had called for a surrender of its charter, and on receiving a refusal from the general assembly, a writ of *quo warranto* was issued in 1684; but the death of Charles had left the proceedings under it to be consummated by his successor, whose rapacity for power and arbitrary nature, prompted him to make the subversion of the liberties of one colony the precedent for similar injustice to all, as if its general application would legalize the principle or render it less obnoxious. In furtherance of this scheme, James, towards the close of 1686, sent over his former pliant servant Andros, whom he had knighted, with a commission as Governor over all New England. Taking up his residence at Boston, that functionary assumed the chief authority in Massachusetts, and proceeded the following year to visit, in succession, Rhode Island and Connecticut, whose respective governments he dissolved, vesting

directing him to permit vessels to pass to Amboy without interruption; provided the authorities would allow such person as the governor of New York, or the receiver-general of that province, should appoint, peaceably to perform the duties of collector, &c., and Miles Foster was appointed accordingly. [Journal of Council, p. 145.] As a return for this favor, or possibly with a hope that it might facilitate the

negotiations with the king,—then presumed to be in progress, but which were in fact consummated,—the Assembly of East Jersey, in May, 1688, passed the act referred to on a subsequent page [158] levying a tax for the service of his majesty against the French. Grants and Concessions, p. 306.

¹ Grahame, II. p. 296, [Edit. 1837.]

in himself all power and dominion, even beyond the limits granted by his royal master.¹

In order to present this connected view of the measures concerted in England, the events transpiring in the province have been left unnoticed. Their consideration will now be resumed.

It was not until after the arrival of Lawrie as Deputy-Governor, that any measures were taken to settle the boundary line between East Jersey and New York. At an early interview, the subject seems to have been discussed with Governor Dongan and some indefinite conclusions arrived at, and on the 30th June, 1686, a council was held at New York which was attended by the deputy-governors of both East and West Jersey, and several gentlemen of both governments, at which the course to be pursued in running the line was agreed upon, and the day named for the meeting of the surveyors.² What was so harmoniously inaugurated did not eventuate in any definite result, although the points on the Hudson and Delaware appear to have been determined. In view of the subsequent course of New York, it is a noticeable circumstance that, no idea seems to have been entertained of placing the northern point on the Delaware anywhere else than at forty-one degrees forty minutes north latitude, in accordance with the terms of the Duke of York's grant.

After some years of inaction, complaints were made by the East Jersey Proprietors of the many incon-

¹ Brodhead's "Andros in New Eng- Jersey; and Philip Wells, for New land." York. A vote of the majority was to

² These were George Keith, for East settle any difference of opinion as to Jersey; Andrew Robinson, for West the bounds of the three governments.

veniences arising from the want of a properly defined boundary, which did not receive from New York any efficient consideration, and in 1695 the Surveyor-General¹ was directed to proceed and run the line between the points agreed upon in 1686. Nothing, however, seems to have been done, and for many years the boundary remained unsettled, the prolific source of controversy, much to the inconvenience of the settlers.²

Little information can be obtained respecting the political condition of East Jersey, or the advancement of the people in the comforts, enjoyments, and advantages of increasing civilization during the period under review. The records are confined almost exclusively to the preservation of documents emanating from the proprietaries abroad, and in all probability the communications of the deputy-governor to them, and other important sources of information which they must have had in possession, have long since disappeared, leaving unexplained much that is calculated to excite curiosity and interest.³ Enough can be gathered, however, on which to base a conviction that, although the increase of population was considerable, and the reward of industry abundant, yet the improvement of the province was not commensu-

¹ John Reid.

² It was not finally settled until 1769, when the northern point was fixed, by a commission at 41° 21' 37". Whitehead's Collection of Boundary Papers. N. J. Hist. Soc. Proc., VIII., p. 159.

³ The letters of Lawrie and others, written after the arrival, and fortunately incorporated into Scot's Model,

(being thereby preserved,) are some evidence that the value of the lost documents is not overrated. On the 11th April, 1686, a fire in the house of James Kmott, Secretary of Council, destroyed "writings, bookes, and papers," and among them the original Concessions of Berkley and Carteret. Journal of Council, p. 26.

rate either with the expectations or exertions of the proprietaries.

This may be attributed, mainly, to the unfortunate dissensions respecting titles to the soil; the various claims under patents from different governors, purchases from the Indians and individual grants, affording a most extensive field for litigation and excitement, to the cultivation of which the lapse of time presented no obstruction. It is also suggested by some writers,¹ that the interest taken by Lawrie in West Jersey, rendered him less attentive to devising measures, or carrying out the views of the proprietaries, for the welfare of the territory confided to his charge. Speculators in the Board of Proprietors, may also have tended to the disadvantage of the province, by forestalling the most desirable tracts or locations, more with the view of realizing large profits from subsequent sales, than from the actual improvement of the lands while in their possession.²

The proprietaries having declared themselves averse to the multiplication of transient laws, it being "both proper and safe that the common law of England should serve," wherever applicable,³ the deputy-governor seems to have considered it unnecessary to call a meeting of the Assembly before April, 1686, on the 6th of which month a session was held, for the

¹ Oldmixon. Wynne.

² Grants and Concessions, p. 177.

³ Wynne, I., p. 209.

first time, at Perth Amboy,¹ the new seat of government.²

The subjects of legislation were few. The principal acts were, one for the regulating the value of silver coin, and another against wearing swords, pistols and other weapons, and giving or receiving challenges; the preamble to the latter stating that many of the inhabitants of the province received great abuses, were put in great fear, and involved in quarrels and challenges by reason of many persons carrying unusual and unlawful weapons,³ a state of society resulting naturally from the strife and excitement which have been referred to. The first named act is worthy of notice from its being the only attempt made in East Jersey to legislate on the subject. Its object was to prevent the transportation of silver from the province by raising it above its true value in all business transactions: and so little were the mysteries of finance and the circulation of the pre-

¹ Although it was the intention of the proprietaries to have their Port called "Perth," yet, from the use of "Ambo"—the corrupted Indian appellation for *point*—in connection with it, the two became soon combined as the name of the place.

² Journal of Council, p. 119. Richard Hartshorne, Middletown, was chosen speaker, and Benjamin Griffith, Clerk. The Deputy-Governor took exceptions to the latter "as being his servant." Griffith was a quaker and resided at Woodbridge—was clerk of "the meeting" there for several years. The book of minutes, yet in existence, show that his chirography, although peculiar, was very distinct. He died in 1709. [See

Whitehead's Amboy, p. 44.] On the first day of the session a writ from Dongan, Governor and Vice-Admiral of New York, addressed to the authorities of East Jersey, commanding the arrest of Hartshorne, and that he should be brought before the Court of Admiralty in New York, was laid before the council, and on the 8th they refused to execute it; not apprehending "that the Governor, Justices or other officers of this province, may, with safety, put the said writ in execution." What was the offence of Hartshorne is not stated. Journal of Council, pp. 122–123.

³ Grants and Concessions, pp. 283, 289.

cious metals understood by its framers, that the law does not seem to have been considered at all objectionable, or its effect doubted, until its evil tendencies were elicited in practice. Before the end of the year, however, at a subsequent session of the same Assembly, it was repealed, "it being found by experience that many inconveniences may attend the same."¹ The other acts were slight alterations or amendments of existing laws, save two which were intended to carry out the wishes of the proprietaries by establishing markets, fairs and 'courts of common right' at Perth Amboy. The only notable difference of opinion between the Council and Assembly during these sessions was in relation to a Bill for the support of the government, which failed to become a law, apparently on the ground that the planters and inhabitants had borne their full proportion of the public charges, by constructing high ways, bridges, and other public conveniences.²

Although the alleged want of interest in the prosperity of East Jersey on the part of the deputy-governor may be doubted,—for the references which have been made to the events of his administration have plainly manifested his capability, prudence and integrity,—yet the proprietaries in England had reaped but few of the advantages they had anticipated from the settlement and improvement of their province; the future gave very little promise of better things, and these results they appear to have regarded as

¹ The first session was from the 6th Council, p. 133. Grants and Concessions, p. 295.
 19th to the 29th October. Journal of

² Journal of Council, p. 140.

more the fruit of mistaken action on the part of the executive authority in the province than of unavoidable circumstances, and the remedy being in their power, was applied :—Lawrie was superseded.¹

In the choice of a successor they were prompted by the great influx of population from Scotland, to strengthen their influence in that quarter, and probably occasion increased emigration, by selecting one from the proprietaries residing there. Lord Neill Campbell, a brother of the Earl of Argyle,²—whose invasion of Scotland, in 1685, for the purpose of revenging the wrongs of his countrymen had terminated so unfortunately for himself and his adherents—being obliged to flee from Scotland, in consequence of his connection with that nobleman, the proprietaries availed themselves of the circumstance to secure a new deputy-governor for East Jersey.³ Campbell, foreseeing probably that he would be obliged to leave his country, had secured a refuge

¹ The only direct intimation of their displeasure is found in Grants and Concessions, [pp. 211, 212] having reference to his locating a desirable tract of land in his own name, instead of allowing all the proprietaries to partake of it, but it is not known that this was contrary to any of the rules and regulations of the proprietaries. It was without doubt, however, the main cause of his removal, as it had been that of Rudyard's, both having selected lands on the Raritan for themselves, which were thought by the proprietaries in England superior to any other tracts in the province. Among the Rutherford Papers is the revocation of his powers issued in 1687, but which did not reach the province until after his

death, in which is this language: "The Proprietaries here having taken into consideration the state of their affairs with the said province under the late conduct of Governor Lawrie, and the accounts remitted by him, Judge it unfit to continue him longer in any public employment and do hereby revoke, &c."

² Grahame calls him the *uncle* of the Earl; he was so of a *subsequent* Earl.

³ "When the act of parliament obliged all protestant heritors to take the test, and my lord could not obtemper, he was forced to go in the hazard of his life to America and leave his lady and family behind him." Wodrow IV. p. 311.

in the province by purchasing, in August, 1685, the right held by Viscount Tarbet,¹ and came over with a large number of settlers,—persons, probably, whose relations to the government were similar to his own—arriving in the province in December of the same year.²

Lord Neill was appointed by the proprietaries in England, on the 4th June, 1686,³ their deputy-governor for two years, but his commission did not reach the province until October, being published on the 5th. His council was appointed on the 18th of that month,⁴ and consisted of Gawen Lawrie, Major

Isaac Kingsland John Berry, of Bergen; Isaac Kingsland, of New Barbadoes; Captain Andrew Hamilton, of Amboy; Richard Townley,

Richard Townley

of Elizabethtown; Samuel Winder, of Cheese-quakes; David Mudie,

Sam Winder

John Johnstone and John Johnstone of Amboy;

¹ One-fourth of one twenty-fourth. Bill in Chancery, p. 84. The original deed is in the N. J. Hist. Soc. Library. Argyle was beheaded June 30th. 1685.

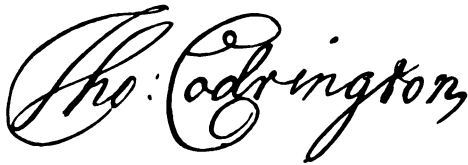
some of the names appear to be duplicated. E. J. Records, Lib. III. p. 225.

² E. J. Records.

³ E. J. Records. Journal of Council pp. 133, 134, 141.

⁴ There were fifty-six in all. but

and Thomas Cod-
rington of Raritan.



The diversity of character, religion, pursuits, and political relations prevailing among the proprietaries of East Jersey at the period under review is remarkable ; and the attention of the student of our history is necessarily drawn to the consideration of the fact, in reference to the appointment of Lord Neill Campbell to be deputy governor of the province. For Robert Barclay,—the prominent Quaker, with all the peculiarities of his quiet, peaceful sect, the advocate of gentleness and non-resistance,—to be associated in any enterprise with a staunch Scotch Presbyterian of 1685, one who could appeal to the sword as the avenger of his wrongs or the asserter of his rights, and connect himself with those who, in battle array, could seek to subvert the government established over them, is in itself calculated to excite surprise ; but to have that association strengthened into official relationship, however slight, and have him join in commissioning, as his subordinate, one whose views in every respect we should think so entirely dissimilar to his own, is still more remarkable. We must presume that private prejudices and feelings were allowed to be overcome, where the interests of East Jersey seemed to require the sacrifice.¹

¹ It is uncertain that the Earl of Perth joined in commissioning Lord Neill, but it is an illustration of the strange commingling of men in the East Jersey enterprise, that he, a staunch adherent of James, and one of the jury who in 1681 had found the Earl of Argyle guilty of treason, should have his interests looked after by that Earl's brother.

Lord Neill's stay in the province was of short duration. On the 10th December, he appointed Andrew Hamilton his substitute, "by the urgent necessity of some weighty affairs being about to take a voyage to Britain," and he probably sailed in March following, (1687,) Hamilton's commission being published on the 12th of that month.¹ Campbell's appointment probably induced some emigration to the province from Scotland, but in other respects seems to have had no effect upon the condition of affairs for good or ill.² The only act of his of which any knowledge is had, exclusive of granting patents for land and appointing officers, is the approval of five acts of minor import passed by the Assembly that convened in October. One of these regulated the fees of the several officers of the province, "in consequence of the great burthen the inhabitants had sustained and complained under by reason of extraordinary fees;" and another related to the office of sheriff, obliging any person elected to that office to serve under a penalty of fifteen pounds for refusing.³ It is from such glimpses alone, as these acts afford us, that any insight can now be obtained into the true position of the government with reference to the respect and confidence evinced towards it by the people; and these do not present it in a light to render it probable any great

¹ Hamilton at first declined the appointment. His authority was confirmed by a commission from Governor Barclay, August 18th, 1687, which was published June 19th, 1688. [Journal of Council]. He received £100 sterling for his services as Deputy under Campbell and thereafter £200

annually. [E. J. Records.] Lawrie, as one of the Council, protested against his appointment "for that he was already out of Esteeme wth the planters and Inhabitants" of the Province. Journal of Council, pp. 142, 155.

² See notes following this chapter.

³ Grants and Concessions, p. 296.

cordiality existed between the governors and the governed.¹

The speedy return of Lord Neill to Scotland was probably owing to the favorable change which had taken place in the measures of James ; whose desire to relieve the Roman Catholics from the penal laws and the various liabilities to which they were subjected, had led to a great melioration of the restrictions placed upon the Presbyterians, with a view to render the project more popular. Campbell may have found it unnecessary to expatriate himself longer under these circumstances, and consequently resigned the honors which had been conferred upon him in East Jersey.

Andrew Hamilton, left by Lord Neill as his substitute, had been a merchant in Edinburgh. He had come to the province with his family about the time of Campbell's arrival, to whom he was recommended by the proprietaries as a friend to their interests, and one of whose fidelity and ability for business they were well assured ; he having visited the province previously as a special agent, and given them in that capacity every satisfaction.² He appears to have been

¹ Shortly after his arrival there was a riot in Bergen in which several prominent individuals were implicated. Eight were brought to Perth Amboy by the Sheriff of the County on the 23d October, and ordered by the council to be imprisoned at Woodbridge until each should give bail for one hundred pounds to appear at the next term of Common Right, at Perth Amboy. The precise cause or object of the riot does not appear ; the charge being in general terms as "refusing to obey the

King's authority", and "Contempt of the laws of this Province. Journal of Council, pp. 137, 138.

² E. J. Records, B, p. 25. As agent he brought a letter from the Proprietaries in England, under date of June 7th, 1686, to the Deputy-Governor and Council, in which they say, "as the matters that they Judge absolutely Necessary to be Examined are of that Nature that the Proprietors cannot so well Receive Satisfaction therein by writing as by a Report given to them

a man of intelligence, and to have acted in a manner to advance, in as great a degree as circumstances would permit, the interests of the proprietaries without increasing their unpopularity or embroiling them with the people.

The deputy-governor met an Assembly at Perth Amboy on the 14th May. 1688, but the session resulted in no legislation of importance excepting the passage of an act levying a tax of a penny in the pound on all estates, and tenpence per head on all males over sixteen years of age, for the service of the crown against the French; subject to the orders of the governor of New York, who had been authorized in the November previous to call upon the other provinces for assistance.¹ It is probable, however, this was complying more with the letter than with spirit of the requisition, with the view of favorably affecting by their generosity the measures that were thought to be under consideration in England. The

vive voce," and therefore they stipulated that he should return to London "about the next Spring, if God Permits, to account to the Proprietors fully of his Negotiations in the said Province." He was to receive for his services £20 within fourteen days after the delivery of the letter, and £20 within two months, or five hundred acres of good land. He did not return the ensuing Spring, in consequence of his becoming the deputy of Campbell.

¹ November 10th, 1787. Grants and Concessions. Journal of Council, pp. 145, 154. There was considerable discussion between the assembly and the governor as to the propriety of making the lands of the proprietors subject to this tax, result-

ing in their being exempted. Chalmers, followed by Grahame, [Edit. 1837,] states erroneously that this act was passed the year before. At this session Somerset County was set off from Middlesex. "Forasmuch as the uppermost part of Raritan river is settled by persons whom, in their husbandry and manuring their land, forced upon quite different ways and methods from the other farmers and inhabitants of the county of Middlesex, because of the frequent floods that carry away their fences on their meadows, the only arable land they have, and so by consequence their interest is divided from the other inhabitants of the said county."

enforcement of the the tax is doubtful, and, accustomed as the inhabitants were to almost entire exemption from taxation for the support of their own government, it is not probable that they would readily contribute to the relief of New York, a province which had so materially and repeatedly interfered with their just rights.

Finding the king immovable in his determination to extend the sway of Andros over their province as well as over New England, the proprietaries of East Jersey considered it advisable to abandon the hopeless contest for their previously conceded privileges, and by facilitating the king's design obtain his guarantee to respect their right to the soil. They, consequently, made a formal surrender of their patent on this condition in April, 1688,¹ and as James agreed to accept it, the proceedings under the *quo warranto* process, already alluded to,² were no longer needed for East Jersey, and, as the proprietaries of West Jersey had entered also into the arrangement,³ a new commission was directed to Andros, annexing both provinces to his government, together with New York, (the commission of Governor Dongan having been superseded,) and Francis Nicholson was appointed his lieutenant.⁴

On the receipt of this commission Andros once more presented himself in New York, received the government from the hands of Governor Dongan on the 11th August, and a few days thereafter visited

¹ Smith's New Jersey, pp. 211, 568.
Grahame, II., p. 296, Edit. 1837.
Grants and Concessions, pp. 604-5.

² See p. 147.

³ It does not appear, however, that they were involved in the *quo warranto* cases.

⁴ Grahame, II., p. 218.

both East and West Jersey ; creating less confusion and causing less anxiety in the minds of the inhabitants than there was every reason to anticipate, and exhibiting greater wisdom than he generally manifested, by continuing all the existing officers in their places ; so that the change in the government was in a measure nominal.¹ After the due regulation of affairs in New York to suit his pleasure, he confided the administration of the government there to his lieutenant, and continued his own permanent residence at Boston.

Although the deputy-governor of East Jersey and all his subordinates were continued in office, little definite information can be obtained respecting the retention of their original powers, or the extent of action allowed them independent of the royal representative under whom they had been placed.² The course of Andros in accepting the mere acknowledgment of his authority as sufficient without revolutionizing the government, was probably, in part, owing to the fact that the surrender of their rights by the proprietaries, involved the issuing of a confirmatory

¹ "I arrived here the 11th August past, when his Majesties Letters Patents being published, received this place, as also East New Jersey the 15th, and West New Jersey the 18th following where by proclamation continued the revenue, and all officers in place, till farther order." [Andros's Despatch, dated New York, October 4th, 1688.] Nicholson, under date of 31st August, says the two Jerseys were "settled to their great satisfaction." [N. Y. Col. Docs., III., pp. 553, 554.] Among the N. J. Hist. Soc. MSS. is a

Commission from Andros, dated Aug. 25th, 1688, to Andrew Hamilton, John Campbell, Robert Vauquellin, John Bishop, John Inians, and Samuel Haile, most of them familiar names, to be Justices to keep the peace in the county of Middlesex.

² There is a break in the Journal of the Council from June 19th, 1688, to Sept. 28th, 1692, indicating that that body considered their functions in abeyance for a time, probably prolonged by Hamilton's departure for England.

grant to them from the crown of all the immunities of the soil; and until that arrangement was fully consummated, the continuance of their officers in power might have been considered expedient.¹ The forbearance of Andros, however, under any circumstances, is remarkable, and the wisdom of his course unusual; arrogance, disregard of rights, and impetuosity in his decisions, having been so strikingly manifested by him in all his previous transactions with the authorities of East Jersey.

The revolution in England in favor of William and Mary, having led to the seizure of Andros by the people of New England in April 1689, and the subversion of his government,² his authority in the several colonies that had been placed under his jurisdiction was at once destroyed; and had the proprietaries felt themselves strong in the affections of the people, and able to sustain themselves amid the conflicts of parties, no time could have been more propitious for the resumption of all the rights and privileges they had been obliged to relinquish. But they were in many respects peculiarly embarrassed. Unanimity of action could not be obtained, from the fact that the counsels of the Board in the province were rendered necessarily inefficient through a want of the requisite information as to the sentiments of their associates in Great Britain. Many had been, or were, closely connected with the King, or were friendly to

¹ Grahame, II. p. 297, [Edit. 1837.] This grant was never made by James. As late as September, 1688, Barclay, as governor, entered into an arrangement with the governor of West Jersey relative to their common boundary line. Smith's N. J., p. 196.
² Whitmore's Memoir of Andros, p. 31. Brodhead's "Andros in New England." N.Y. Col. Docs. III. p. 722.

his cause, and all were probably disposed to reverence more highly than they should have done, one, who as Duke of York, had been the grantor of their possessions. Hamilton, by throwing off the responsibilities he had so recently assumed as the representative of the royal government, would have virtually declared for William, and added to the obstacles already in the way of a full enjoyment of the rights of the proprietaries, without in the least strengthening his position with the people; whose predilections, it may be safely inferred, were in favor of a dependence upon the crown rather than upon the government of a numerous body of proprietaries.

In May, the Deputy-Governor, obeying a summons from the Mayor of New York, acting as Lieutenant of Andros,¹ repaired thither to consult with the authorities of that province upon the course proper to be pursued in the peculiar situation of the government, but thereafter does not seem to have taken any part that would have identified him with either of the great factions that were disturbing the mother country. There was no outbreak among the people of East Jersey as in the other colonies subject to the authority of Andros, from the peculiar circumstances which have been mentioned; but there was so much room for doubt as to what should be the policy and measures of the government, that Hamilton deemed it proper to proceed to England in person to advise with the proprietaries. He sailed accordingly, but on

¹ New York Col. Docs. III. p. 591. general, and the Bergen justices attended with the deputy-governor.
Mr. Van Cortland to Sir E. Andros, July 9th, 1689. The summons was



his voyage was taken prisoner by the French, and for some time detained.

MAPS OF EAST JERSEY.

THE MAP which precedes the foregoing portion of the narrative, was compiled from various sources, and without being entirely accurate, will give the reader an idea of the extent of the settled portion of the province, about the time it passed into the possession of the "twenty-four;" as well as other information which may be of service in rightly determining its condition both before and after that event. The one here inserted is a reduced *fac simile* of the map furnished the

John Reid

proprietaries by John Reid, for which in June, 1686, he received a grant for a tract of land named "Hortensia," located on the east side of Hope river,

Monmouth county, where he appears to have taken up his abode in 1686. Mr. Reid's name appears on the title page of "Scot's Model," as its publisher, indicating that he was a bookseller in Edinburgh when selected by the proprietaries to take charge of a party of emigrants sent over in 1683.¹ He arrived in the province, with his wife and three daughters, on the 19th December of that year,² and acted as Deputy Surveyor under George Keith³ and John Barclay.⁴ A letter from him will be found in "Scot's Model." He resided at Amboy for several years, was repeatedly elected a member of the General Assembly, and on December 2d, 1703 was appointed Surveyor General of the Province. His daughter Anna became the wife of John Anderson.⁵ Mr. Reid was a Quaker, and until March, 1686, was

¹ See page 136.

² This fact is recorded on his headstone, which is still standing in Topanemus, near Freehold, Monmouth county, N. J. N. J. Hist. Soc. Proc., 2d ser., I. p. 71.

³ Appointed October 13th, 1685.

⁴ Appointed Dec. 13th, 1692.

⁵ N. J. Hist. Soc. Proc. 2d ser., I. p.

71. Mr. Reid died March 16th, 1723,

aged 67 years; his wife Margaret died May 18th, 1728, aged 84 years, showing a considerable disparity in age, and their daughter Anna died July 6th, 1723, aged 43. Her husband, John Anderson, died March 27th, 1736, having filled several prominent stations, and at his death was, as President of the Council, acting Governor of the Province in consequence of the death of Gov. Cosby. His

clerk of the Amboy meeting. He then resigned, having removed to Monmouth county.¹ The original engraved map, of which the *fac simile* is here given, is in the library of the New Jersey Historical Society. It bears two endorsements, reading as follows:

"Mapp of Raritan River in New Jersey, Milston & South River, &c^a Wickatonck & other * * * of the Lands serveyed & Patented in part of the first Dividend Of the shares to such of the ¹⁶⁸³ Proprietors as thought fitt to appoint their Agents and attorneys to take upp such land for their proportions & be at the Charge there for—"

"Mapp of some of the first Early Lands Patented to some of the Early Proprietors among the 24 Proprietors who sent over Stock & servants for the Settlement of the lands and building the Port Town of Amboy in the Province of East New Jersey In America. most Upon Raritan River, Milston & South Rivers &c^a anno 1683, 4, 5, 6."

From the title, it is not improbable that the original manuscript map covered more of the province towards the north, inasmuch as the plantations "on Hackingsack River" are not in this copy.

THOMAS RUDYARD.



THIS gentleman, selected as the first representative of Governor Barclay in the province, was originally from the town of Rudyard, in Staffordshire, but at the time of his appointment was a resident of London. His legal attainments are stated to have been of a charac-

obituary notice styles him "a gentleman of the strictest honor and integrity, justly valued and lamented by all his acquaintances." An attempt in 1712 by the Rev. Jacob Henderson, Missionary, to injure him in public estimation signally failed. Whitehead's Amboy. 168. N. Y. Col. Docs. V. p. 334. ¹ Records of the Meeting.

ter that insured him an elevated rank in his profession, and it was probably from his connection with the trial of Penn and Mead in 1670,¹ in which he took a prominent part, that he became interested in the East Jersey project. Certain it is he took an active interest in the preliminary measures for the advancement of the province after its transfer to the twenty-four proprietaries; the Concessions—their plan for the foundation of their capital, Perth Amboy,—a map of the country,—and other documents, being deposited at his residence in George-yard, Lombard street, for the inspection of all adventurers to the western world.²

Selected by the proprietaries as their deputy-governor, Rudyard appears to have embarked for the province with a full determination to make it thereafter his home. He brought with him two persons less able than himself to bear the toils, exposure and deprivations, incident to a newly-settled land, but who seem to have entered upon their new sphere of life with that energy of mind and contentedness

¹ The trial of Wm. Penn and Wm. Mead took place at the Old Bailey Sept. 1st—5th, 1670. They, and others to the number of 300, on the 14th August preceding, “unlawfully and tumultuously did assemble and congregate themselves together to the disturbance of the peace,”—so ran the indictment, contrary to the provisions of what was called the Conventicle Act. The Quakers being kept out of their meeting houses, went in the streets before them, and William Penn and others “did take upon themselves to preach and speak” to them. For a full and highly interesting report of this remarkable trial, in which the independence and firmness of the accused, as well as of the jury who acquitted them, are strikingly portrayed, see “The Phenix, or a Revival of Scarce and Valuable Pieces from the Remotest Antiquity down to the present Times. MDCCVII.” [I. pp. 306-321.] Rudyard himself, in the June preceding, had been subjected to several indictments in the same court, prompted by his skilful defence of clients suffer-

ing from the arbitrary proceedings of the authorities; and on one occasion his house was broken open in the dead of night and he apprehended, “as a person suspected and disaffected to the peace of the kingdom.” Phenix I. pp. 353-355.

² “Near the Ball-Alley was the George-inn: since the Fire (1665) rebuilt with very good houses well inhabited: and ware houses, being a long open yard and called George Yard: at the further end of which is the “George and Vulture” tavern, which is a large house and of a great trade, having a passage into St. Michael’s alley.” [Strype B. ii p. 162] Another author says it was “fourteen houses on the right hand from Grace Church street”—The proprietors of both provinces kept their books and maps in George Yard. Those desirous of settling in West Jersey were referred to “Herbert Springet,” who kept the register of those interested in that province, and those wishing to emigrate to East Jersey might “be directed at the sign of the Star.” Mordin’s Geography, Rec-

of disposition which invariably bring their reward: these were his daughters, *Margaret* and *Anne*,¹—ladies highly esteemed—and the first has left a name in the traditionary annals of Perth Amboy (for many years her residence) which is associated with many remembered virtues; the stamp of truth being set to the record by the fact that the Episcopal congregation of the ancient capital is to this day enjoying, to a considerable extent, the fruits of her liberality.

Ere six months had elapsed after their arrival, Rudyard, when writing to his friends in England, says of his daughters, "they tell me they would not change their place for George-yard," showing that they had identified themselves with the objects around them in no small degree; but the impartiality of the chronicler requires the notice of a probability that attractions, other than those of general society, climate and natural scenery, had their due weight in making them thus contented, for they were both "woo'd and won" soon after their arrival, by two gentlemen of New York. *Anne* became the wife of Mr. John West, "merchant,"² and *Margaret* the wife of Mr. Samuel Winder, who after his marriage removed to a plantation near Middletown, where he died. He had previously resided on Staten Island. Rudyard had also two sons, *Benjamin* and *John*, but the former does not seem to have come to the province, and the latter not until after his father's death.³

However much Rudyard may have been annoyed by his being superseded in his office,⁴ he appears to have submitted to the wishes of his associates without opposition; an indication of a mildness of disposition, which, in connection with the great interest he manifested in the prosperity of the province, and the prudence evinced in the

tified 1700. N. Y. Hist. Mag. June 1862. Vol. VII. p. 191.

¹In 1684 he claimed head lands for them and six servants, and received a warrant for 230 acres of land to be surveyed for him on South River. As one of the proprietors, he had 3,000 acres surveyed for him the same year. Journal of Council, pp. 95, 108, 110.

²They were married in Oct., 1684. West was a fellow passenger with Sir. Edward Andros, Wm. Pinhorne and others, on board the ship Blossom, which

arrived August 7th, 1678. Wooley's Journal, p. 211.

³Had his son John accompanied him to the province, as asserted by Hatfield, he would probably have been named, as well as his daughters, in his application for head lands.

His will was dated at New York, December 7th, of which Province he seems for a short time to have been Attorney General under appointment of Gov. Dongan. N. Y. Col. Docs. III. pp. 351, 412.

⁴See page 131.

general ordering of its affairs, prompts some regrets that he could not longer have remained at the head of the government.

Previous to Mr. Rudyard's departure for Barbadoes,¹ he gave his daughters one-half of his proprietary right, excepting a few specified lots, and left written instructions with his sons-in-law for the management of his and their estates, commencing with this admonition: "*Imprimis*, that you love each other, be tender of each other's reputation, and in all matters of weight not only advise with, but be assistant to each other, as becometh the relation you bear." Deficient as may be our knowledge of his character in other respects, we may charitably suppose that what he could thus inculcate he could also exhibit, in all its beauty, in his own "life and conversation." He died abroad in 1692. His son *Benjamin*, who at the time of his father's death resided in the island of Barbadoes, disposed of his inheritance in 1695. *John* inherited all his father's West Jersey lands, and probably has descendants in that section of the State.²

Mr. Rudyard's executors declining to serve, Messrs. Robert Wharton and George Willocks were appointed administrators; and the intimacy that arose by consequence, between these gentlemen and the families of West and Winder, led to a more tender connection with their wives when death deprived them of their husbands, which was the case a few years thereafter, *Anne* becoming the wife of Mr. Wharton, (and subsequently the wife of Governor Andrew Hamilton,) and *Margaret* the wife of Mr. Willocks. It was as Mrs. Willocks that the latter became a benefactress of St. Peter's Church at Perth Amboy, as has been stated. and a tablet to her memory, in connection with others, is inserted in the wall of that edifice. She left no children, and it is not known that her sister did; at least no descendant of the deputy-governor is thought now to be living in East Jersey.

¹ E. J. Records, A. pp. 138, 217, 218. November, 1685, December 5, 1685.

² John Rudyard, sometimes called "Colonel," died Feb. 1726, and from "sailors' instruments" being mentioned in his will, he may have "followed the sea." He names six children, *Thomas* (who removed to Long Island and died in Brookhaven, leaving four children, William, Thomas, Charity and Nancy. Charity married Adam Smith and lived to an advanced age. Nancy married

Moses Mills. William died in 1846, aged about 80, Thomas having died many years before), *John*, *Daniel*, *Mary*, *Margaret* and *Ruth*. Mr. Thompson, the historian of Long Island, says, in a letter to the author, that "Col." John Rudyard married Deborah Smith, a niece of Mrs. Governor Carteret, and that they had one more son, William. He also mentions a brother-in-law, named David Smith.

GAWEN LAWRIE.

THE character and acts of Deputy-Governor Lawrie have been too much dwelt upon in the foregoing pages to render necessary an extended notice of him in this place. Little information, however, is now to be gathered respecting him and many others whose exertions created for us the goodly heritage we enjoy, and such illustrations of their private character and domestic relations as are calculated to interest us are especially rare.

We first meet with Lawrie's name, in connection with those of William Penn and Nicholas Lucas, as one of the assignees of Edward Byllinge (the purchaser of West Jersey from Lord Berkley), who in 1676 placed in their hands for the benefit of his creditors the whole province of West Jersey. Lawrie was one of the creditors, but what direct interest he acquired in the province, as such, is not known to the author, although the records of the western division may give the information. It was without doubt considerable, and the management of Byllinge's affairs, in all probability, prepared the way for his embarking, with Penn and other Friends, in the East Jersey enterprise.

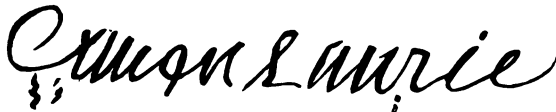
The deputy-governor brought with him to the province his wife and family, and took up his residence at Elizabethtown, continuing to reside there notwithstanding the expressed wish of the proprietaries that he would remove to Perth Amboy, a circumstance to which some writers have attributed his removal from office, as has been stated.¹ It is not to be wondered at, that, with his family around him, he should have preferred remaining the occupant of the proprietary house at the former place to the comparatively uncomfortable residence in the embryo city; but he evidently took a warm interest in Perth Amboy and may with truth be considered its founder. His letters, written in 1684, describing the embryo city, will be found in Scot's "Model of the Government of East Jersey."²

He surrendered the government to his successor in October, 1686, became one of his council, and so continued until his death, which occurred at Elizabethtown in the autumn of 1687. Mrs. Lawrie (Mary) survived her husband, and in his will he charged his children to render her every kindness and attention, she "having been loving,

¹ See page 142, *note*.

² Pages 160-184.

tender, and careful both to them and him."¹ They had one son, (*James*), whose daughter Isabella married William Davis, of New York, and inherited much, if not all, of the estate of her grandfather; and two daughters, *Mary*, who became the wife of William Haige, and *Rebecca*, who married Miles Forster, both of them men of standing in the province. Nothing is known of the descendants of Mrs. Haige; a son of Mrs. Forster removed to the island of Barbadoes, and two daughters died unmarried.



The autograph of Gawen Lawrie does not present his "clerkly skill" in a very favorable light, however great an adept he may have been in business matters.²

LORD NEILL CAMPBELL.



THE connection of this nobleman with the province was of so transient a character, that no opportunity is afforded by his public acts to judge either of his character or qualifications, and of his private life the author has no information. Wodrow says, under date of August 1st, 1684, "That excellent person, Lord Neill Campbell, had been cited before the council for no other error, I can hear of, but that he was the son of the excellent Marquis and brother to the Earl of Argyle. Nothing worthy of death or bonds could be laid to his charge." He

¹ E. J. Records, B, p. 137. In 1683, Thomas Lawrie, probably a brother of the deputy-governor, with a son James and daughter Ann, arrived in the province and settled at Freehold in Monmouth county. Descendents of him are yet living in the southern part of the State.

² The true orthography of his name is left in doubt even by his own sign-manual. It is given indiscriminately by most of the old documents as "Lawrie" and "Lawrie," but the latter is considered the correct form.

was put under bonds for five thousand pounds to confine himself within six miles of Edinburgh.¹ He died previous to 1693.

In selecting East Jersey as a place of refuge he was no doubt influenced, in part, by the fact that two sons had already emigrated. *John* is mentioned as early as 1684, with his wife, three children, and eleven servants; and *Archibald* came out immediately after the fatal termination of his Uncle Argyle's enterprise, in which he was engaged as well as his father, having not only been condemned to banishment, but also to have his left ear cut off.²

There is a curious conveyance on record, under date of December 19th, 1684, by which one Moneybaird makes over to John Campbell all his interest in Perth Amboy, "on consideration of the said Campbell's sending a footman in velvet to wait on Moneybaird during the time of Parliament in New Jersey, and holding his stirrup." The author's antiquarian lore is at fault here, as Moneybaird does not figure at all among the worthies of the province, and could certainly have had no anticipated right to a seat in "parliament;" and a "footman in velvet" would under any circumstances have been rather a strange attendant upon a yeoman of that period.³

Archibald Campbell died in May, 1702, and it is uncertain whether or not he left children; John died in December 1689, leaving one son and two daughters.

THE TWENTY-FOUR PROPRIETARIES.

THE following notices of those who became proprietors of East Jersey have been compiled from various sources. Of many, however, as will be seen, no precise information has been obtained,

¹ Wodrow, IV. p. 48.

² This was in July, 1685. "Two sons of Argyle, John and Charles, and *Archibald Campbell*, his nephew, were sentenced to death and forfeiture, but the capital part of the sentence was remitted." Fox's James II. p. 153. Wodrow IV. pp. 217, 228, 311, 320.

³ This Moneybaird is presumed to be the same individual as one David Toshack, of Mony Weard, alluded to as "a partner with James, Earl of Perth, and Sir George McKenzie, of Tarbutt and proxy for them" who seemed at one time to have been in the province. Stirling's Answer to Hunt's bill, p. 11.

and others are mentioned more particularly in the body of the work.

Perth

"JAMES, EARL OF PERTH," was the fourth who had borne the title. He was born in 1648, went through a course of philosophy at the University of St Andrews, and afterwards visited France. He was sworn a Privy Counsellor in 1678, and after the fall of the Duke of Lauderdale (having joined in the opposition to him) he was constituted Justice General of Scotland (May, 1682), and the same year appointed one of the Extraordinary Lords of Session. On the 25th June, 1684, he was appointed, by Commission, to the high office of Chancellor of Scotland, and the same year to be also principal Sheriff of the county of Edinburgh.

Being a staunch adherent of the Stuart family, and having declared himself a Roman Catholic, he was continued in all his offices on the accession of James II. in 1695. and had the chief administration of affairs in Scotland. In 1687 he was invested with the order of the Thistle, then revived, and, as we may suppose, from a well-founded conjecture as to the future events, he about the same time made a resignation of the Earldom of Perth, and of the whole estate, with the hereditary offices of Steward, Coroner and Forester of Strathen, Genartney and Balquhidder, in favor of his son and heirs male.

The ensuing year (1688) James abdicated the British throne, and in 1691 sought a residence in France. The Earl of Perth had been too deeply engaged in all the prominent events of his reign, to witness this departure of his sovereign unmoved. He retired from Edinburgh, and embarked in a vessel at Burnt Island for France. The lodgings he had left were plundered by the populace; and, on his flight becoming known, he was pursued by an armed boat from Kirkaldy, overtaken, stripped of all he had with him of any value, and thrown into the common prison at that place; where he remained until removed to Stirling Castle. He remained in confinement until relieved by warrant of Privy Council in 1693, on his giving bonds in the sum of £5,000 to leave the kingdom.

The Earl proceeded to Rome, where he resided two years, but his dethroned monarch at St. Germain's, his place of refuge. sent for

him and created him Duke of Perth,¹ first Lord of the Bedchamber, Chamberlain to the Queen, Governor of the Prince of Wales, and invested him also with the Order of the Garter:—honors of but little value, excepting as marks of the affection and consideration of his king, whom he survived more than five years: dying at St. Germain's, March 11th, 1716, aged 68. He was buried in the Scots College at Paris.

According to a contemporary, the Earl of Perth was "personally proud, told a story prettily, was of middle stature, with a quick look and brown complexion." By another writer he has been pronounced timorous and wavering.

The titles of Earl of Perth and Lord Drummond became dormant at his death, his two sons being attainted. He married in succession Lady Jane Douglass, daughter of William, the first Earl of Douglass; Lillias, daughter of Sir James Drummond, of Maching, relict of William, fifth Earl of Tullibardine; and Lady Mary Gordon, daughter of Lewis, third Marquis of Huntley.

The Earl's eldest son was educated at Doway in France;—the house of his mother, who was a bigoted Romanist, being a sort of seminary or nursery for the priests. He was a man of taste, well acquainted with polemical divinity, benevolent, affable, and of a cheerful temperament. He never considered himself bound by any ties of allegiance, as he had never taken the oaths; and forgetting the motto of his family, "Gang warily," he involved himself in ruin by returning to Scotland a short time before the invasion of 1745, and taking an active part, along with his brother, in the operations of Charles Edward, until the battle of Culloden in 1746 put an end to the hopes of the Stuart family. Obligated to flee, he died before he reached a foreign shore.² Both sons died without male issue.

The title of the father was claimed by the heirs male, but their

¹ "The Earl of Perth received the very great honor from King James at St. Germain's in France, to be created *Duke* at the expense of the ruin of himself and his family. To compliment this noble person the city of Perth was so called, and it is exactly of a piece with the proprietors' dukedom, having but 30 or 40 houses stand-

ing on Amboy Point." So wrote Oldmixon of the capital of East Jersey in his *History of the British Empire in America*—much disposed apparently, to ridicule most of the schemes of the proprietaries.

² Boyse's *History of Rebellion*, 1745, p. 69.

being all adherents to the Stuart cause was sufficient reason for a refusal of the grant. It was restored in 1797 to James Drummond, the grandson and heir of the Earl, but he died without male issue in 1800, and, in consequence, the title became extinct. The estate, however, was saved, from its having been conveyed to the eldest son previous to the attainder of the Earl. One-half of his right in East Jersey was conveyed to others by himself in 1683 and 1684, and the remainder by his son as heir and assignee, in 1704.¹ In 1813 the Scottish estate was in possession of the Hon. Peter Robert Burrel, who married Clementina, daughter of the last Earl, who was allowed by the King to adopt the Drummond arms, which are :

Arms.—Or. Three bars wavy, gules.

Crest.—On a ducal coronet, a slough hound proper, collared and leashed, gules.

Supporters.—Two savages, proper, wreathed about the head and middle with oak leaves, holding baton over their shoulders standing upon a compartment like a green hill, semez of caltrops.

Motto.—"Gang warily."²

Drummond

"JOHN DRUMMOND, of Lundie," sometimes called Laird of Lundie, was brother

to the Earl of Perth. In 1680 he was deputy governor of Edinburgh Castle, and in 1684 Secretary of State. He was created Viscount Melfort in Argyleshire, and Lord Drummond of Gelston in 1685, and in 1686, the higher honors were conferred upon him of Earl of Melfort, Viscount of Perth, and Lord Drummond of Riccartoun. He returned to France in 1688, accompanied King James to Ireland

Melfort

and in 1690 was created Duke of Melfort. He was attainted and outlawed in 1694–5, about which time he seems also to have lost the favor of James, and retired from the Court. He died at St. Germain's in 1714.³ He was one of the handsomest men of his time, and his

¹ Bill in Chancery, p. 84.

² Letters of James Earl of Perth.

³ Wood's Peerage of Scotland, Russell's Modern Europe, Scott's Tales of a Grandfather, etc. Camden Soc. Pub. p. 33, Note.

dancing was considered the finest that the Court could exhibit,—dancing in those days being esteemed a great accomplishment.

He married twice,—the children by his first wife inheriting his Scottish property, the eldest son being styled Baron Lundie. The children by his second wife suffered by his attainder, they were four in number. Three of them died without issue. One of them became a Colonel in the French service.¹ James Drummond, the grandson and heir of the Earl of Melfort, by his first marriage, assumed in 1766 the title of Earl of Perth, and his son James was created a British Peer by the title of Lord Perth in 1797, which became extinct on his death in 1809. A grandson, Thomas, by his second marriage, was in America in 1764, for the purpose of inquiring into the situation of the estate in East Jersey belonging to the family. In 1853 the then Duke of Melfort was restored to the Earldom of Perth.



"ROBERT BARCLAY of Urie." Any farther notice of this gentleman than that to be found in the body of the work is unnecessary. At the time of his death,

in 1690, he still held all of his right but one-twentieth.

"DAVID BARCLAY of Urie" was a brother of the Governor. He came to the province in 1683,² in charge of a cargo of goods, on account of the proprietaries, and, in connection with Arthur Forbes, furnished them with a description of the country, and returned to England the following year, and died about the end of August, 1685, on a second voyage to East Jersey from Aberdeen, in charge of another cargo of goods.³ His rights in the soil seem to have been inherited in whole or in part by a brother, John, who lived for many years, and died, in the province.

¹ MS. argument of counsel, Arbitration case "Earl of Perth vs. Earl of Stirling," in the author's possession.

² Scot's Model, p. 186. Stirling vs. Hunt.

³ E. J. Records, A, p. 397. Stirling's Answer in Chancery. MS. in N. Y. Hist. Library. He was imprisoned in 1668, for some connection with the "Pentland rising." Wodrow, II. p. 108.



"ROBERT GORDON of Clunie"
was one of those proprietaries
who appear to have engaged
in the East Jersey enterprise,

with no other object in view than pecuniary profit. He never came to the province, and sold his interest, in 1683, to Governor Lawrie, and in 1705, his grandson of the same name disposed of the other part to Augustine Gordon, by whom it was transferred the same year to John Burnet.

"ARENT SONMANS, of Wallingford," Scotland. This gentleman was a Hollander, residing at Rotterdam previous to his removal to Scotland. On becoming interested in New Jersey he intended visiting the province; but on his way to Scotland from London, in company with Governor Barclay, in August 1683, when passing through Hunterdonshire, he was shot by a highwayman, in his thigh, and in the course of a few days the wound proved mortal, and he was buried in Friend's Burial Ground, Hinton.¹ He left a wife (Francis Hancock) and three children: *Peter* who came to East Jersey, and became a person of considerable notoriety;² *Rachel*, the wife of Joseph Ormston, and *Joanna*, wife of Joseph Wright. The greater portion of Arent Sonmans' estate descended to his son.³ It will be seen on reference to a preceding page that previous to his death he had made liberal advances towards sending out goods and settlers to the province, which enured to the benefit of his children. The Sonmans' interest became larger than that of any proprietary, equaling in 1687 five and a quarter proprietaries.⁴



"WILLIAM PENN, of Worminghurst, Sussex." It is unnecessary here to portray the character or to sketch the life

- of one so well known. His right in East Jersey was one of the few

¹ Smith's N. J. p. 425. MS. Argument Earl of Perth vs. Earl of Stirling. Stirling's Bill vs. Hunt. This last authority says Sonmans was robbed of his papers; but it was thought by some that he was killed by

an emissary from Holland, on account of political matters.

² Whitehead's Amboy, p. 76.

³ Page 137, note.

⁴ Stirling's Answer to Hunt, pp. 37, 69.

that remained unlesened through all the changes and vicissitudes in the province, and descended at his death to his heirs. Penn does not appear to have taken any active part in the administration of the government of the province, his whole attention being engrossed by Pennsylvania.

Robert West "ROBERT WEST, Middle Temple, London;" was a lawyer by profession, and is characterized by Grahame as having obtained "so much infamous distinction as a witness for the crown on the trial of Lord Russell," one of the Lords concerned in the "Rye House plot." West was implicated and escaped, but subsequently surrendered and gave testimony against his companions. It may be seen at length in "A true account and declaration of the horrid conspiracy against the King, &c., 1686.¹ He is there mentioned as one of five republican lawyers, whose hatred of the government caused to be factious against the known interests of their own profession. "They were all men of crafty heads and nimble tongues, restless spreaders of false news, bold talkers in seditious clubs; where, according to the corrupt fashion of these times, the most profligate persons of all conditions were wont openly to arraign the monarchy, and vilify the church, under the fair show of amending both, and a tender concernment for the public good." The usual rendezvous of the conspirators was in West's chamber, in London, and a blunderbuss in his possession was the weapon selected at one time with which to kill the King. Subsequently, he bought and placed at their disposal a number of fire arms, securing them for the purpose under the pretence of "sending them into America where he had a plantation."

His proprietary right was soon parted with, being transferred to Thomas Cox the same year it was obtained; but in 1692, he received a grant from the proprietaries for nine hundred and sixty acres "out of a Grateful sense of ye good services," as they say, "done to the Concernes of ye said Province by Robert West Esq'r. and particularly of Late in asserting the Right to the Government thereof and do rely upon his future Endeavours to do all the good Offices for the Same that fall in his way."²

¹ Pages 142, 144, and see Copies of ² E. J. Records.
the Informations, pp. 82, 93.

It is not known that any of Mr. West's family ever came to East Jersey.

"THOMAS RUDYARD, London, Gentleman," the first Deputy-Governor of the province under Barclay, is particularly noticed on preceding pages.¹

Samuel Groom "SAMUEL GROOM, Mariner of Stepney," is mentioned in the

foregoing pages, as accompanying Deputy-Governor Rudyard to the province in 1682, as Surveyor and Receiver-General of the Proprietors. He had made a voyage to Maryland in 1676, in a vessel of his own, returning by the way of West Jersey,² which may account for his subsequent connection with the eastern proprietaries. His letters, preserved in Scot's Model, indicate that he was much pleased with the appearance of the province, and indulged many pleasing anticipations of the growth and prosperity of its embryo capital, which he did not live to see realized, as he died in 1683: leaving on the stocks, unfinished, *the first vessel built in East Jersey*. He left a wife (*Elizabeth*,) and one son (*Samuel*,) but neither of them came to the province.

The son seems to have had the control of his father's property, even during his life time; for the proprietaries in July, 1683, writing to Lawrie, say that Groom may feel disposed to return to England, when he should hear of the great inclination shown by the son to sell his fathers propriety.³ He probably did sell it, as it was transferred to Wm. Dockwra the same month.

Tho. Hart

"THOMAS HART, of Enfield, Middlesex, Merchant." This was another proprietary who preserved his right unimpaired; and

it descended, subsequent to 1700, to a sister Patience Ashfield,

¹ Pages 164, 167.

² Smith's N. J. p. 80, and Wm. Edmundson in his Journal, [p. 109,] says that, wishing to go from the eastern to the western shore of Maryland,

"Samuel Groom, of London, Master of a ship being there, sent his boat and two men to take me over."

³ Grants and Concessions, p. 176. Whitehead's Amboy, p. 13.

whose grandson and heir, Richard Ashfield, came to the province, and was appointed September 1725, Receiver-General of the Board of Proprietors. A descendant of Hart's, by the name of Bland, also became a resident of the province in 1767.¹

Rich: Mew "RICHARD MEW, of Stepney, Middlesex, Merchant," was among those who, with Thomas Rudyard, were prosecuted in 1670 for being present at unlawful assemblages for religious worship.²

Thos: Cooper "THOMAS COOPER, Citizen and Merchant Tailor of London," sold one-half of his right in December, 1683. The other was retained until 1706.

Ambrose Rigg "AMBROSE RIGG, of Catton place, Surry. Gentleman," parted with his interest in 1683 and 1684.

John Heywood "JOHN HEYWOOD, Citizen and Skinner of London," conveyed his interest to John Burnet, March 23d, 1682-3.

These last four took no interest in the province, and nothing more is known of them.

Hugh Hartshorne "HUGH HARTSHORNE, Citizen and Skinner of London."

In 1766, an applicant for the proprietary right of Mr. Hartshorne,³ in the person of John Hunt, made his appearance in New Jersey; and through him were some items respecting the family made public.

Hugh Hartshorne was an "upholsterer" of Houndsditch—a member of any one company being at liberty to engage in any business. He was admitted to the freedom of the Skinners' Company August 1st, 1654, and died 25th April, 1684, aged 55. He left four sons,

¹ Whitehead's Amboy.

² The Phenix, I. p. 350.

³ A suit in Chancery was the result;

the title to Hartshorne's right having been previously acknowledged by the

Board to be vested in others.

Hugh, Harrison, Edward and Thomas. Hugh, the eldest, was sexton of St. Botolph Aldgate; and died Nov. 28th, 1706, intestate, leaving two sons, *Harrison and Hugh*. The first died August 5th, 1719, leaving one son who died without issue; the second died July 9th, 1741, leaving *Hugh Hartshorne*, mariner, his son and heir, who died in 1745, unmarried, leaving all his property to his sister *Sarah Hartshorne*, who married George Saunders, and in January, 1765, sold her proprietary right to John Hunt, above referred to. The interest of Hartshorne was considered by the proprietors as conveyed to Arent Sonmans.

Clement Plumstead

"CLEMENT PLUMSTEAD, Citizen and Draper of London."

In 1683, one-half of his right was conveyed away, but the other descended to his heir, and by him, in 1715, was transferred to a relative, of the same name as the proprietary, then residing in Philadelphia, and from whom the Plumsteads in that quarter are descended. Nothing is known, by the writer, of the first Clement. One of the original deeds from James to the twenty-four proprietaries was given to the state in 1837, by Lieut. Plumstead, of the U. S. navy, a descendant.

"GAWEN LAWRIE, of London, Merchant," has been particularly noticed on previous pages.

"EDWARD BYLLYNGE, of the City of Westminster, Middlesex, gentleman," very soon after securing his interest,

Edw. Byllinge

sold it to Daniel Cox, of West Jersey. Byllinge was the purchaser of that province from Lord Berkley, and nine-tenths of it eventually passed into the hands of Penn, Lawrie and Lucas, as trustees for the benefit of his creditors generally: being "all that he had left him towards their satisfaction:"—a security which would now be most ample for a much larger sum than the total amount of his debts, which came to about thirty thousand pounds sterling. It is thought

he came to West Jersey previous to 1683, as in that year he received a grant of four acres of land in Burlington, for his own residence. He died in 1687.

Tho: Warne

"THOMAS WARNE, of Dublin, Merchant," sold two-thirds of his interest in 1682, and the remaining third descended to his son Stephen Warne, who, with his brother Thomas Warne, came to East Jersey in 1683; arriving in March with eleven servants. Stephen was among the earlier settlers of Perth Amboy; and Thomas, who was styled "Carpenter," took up his abode in Monmouth county, where his descendants may still be found.

Wm: Gibson

"WILLIAM GIBSON, Citizen and Haberdasher of London," died previous to 1689, and his interest was disposed of by his heir.

Robert Turner?

"ROBERT TURNER, of Dublin, Merchant," never took any interest in the province, and sold most of his property in 1685. He came to America and resided in Pennsylvania, and was an intimate friend and correspondent of William Penn.¹

Tho: Barker

"THOMAS BARKER, of London, Merchant," sold one-half of his right in 1683, and the remainder descended to his widow, who effected a sale of it in 1713. None of the family ever visited the province.

¹ See letters to him in Pennsylvania part I, and in Janney's Life of Penn. Historical Society Memoirs, Vol. I,

James Brain "JAMES BRAIN, of London, Merchant," continued to hold his interest in the province, without visiting it, until his death in 1690, when it was inherited by three sons. It remained in their possession for several years, but whether or not they came to East Jersey in person is not known. In 1752 an act of Parliament vested his estate in East Jersey in trustees to be sold.¹

THE SEAL OF THE TWENTY-FOUR PROPRIETARIES.



Impressions of this seal are appended to documents in the possession of the New Jersey Historical Society and the author, and there are others scattered through the State, but they are rare. To whom we are indebted for the device is not known, but all must acknowledge its appropriateness and the happy adaptation of the mottoes to the insignia. As every settler's grant was stamped with this seal, he was reminded, whenever he looked upon the evidence of his rights as a freeholder, of the grand principle that should underlie his own actions as well as those of others in the community if success was looked for; and if at any time he should feel puffed

¹ Copies of his will and of the act of Parliament are in the library of the N. J. Historical Society.

up by worldly aggrandizement, again would his patents remind him of the true source of all increase. That such a seal ever existed is a fact but little known, it having long since disappeared. It may have been destroyed on the surrender of the government to the crown, or, being thereafter of no use, have been lost through carelessness.

PERIOD IV.

FROM THE SUBVERSION OF THE AUTHORITY OF ANDROS, TO
THE SURRENDER OF THE GOVERNMENT TO THE CROWN.

1689—1703.

A CONSIDERABLE portion of the period upon the consideration of which we now enter is involved in much doubt. The proprietary records, as soon as the government was placed under the supreme control of Andros, became no longer the depositories of the official or other papers connected with its administration, and for three or four years cease to throw any light upon passing events. The correspondence between the Board of Proprietors in the province, or the Deputy-Governor with the proprietaries abroad, has become lost in the lapse of years, and we are consequently often reduced to meagre gleanings from incidental notices, introduced in irregular and sometimes unimportant documents, for such facts as enable the student to form some conception, however imperfect, of the condition of the province.

Hamilton left East Jersey for Europe in August, 1689,¹ and the inhabitants were left to the guardianship of their county and town officers from that time

¹ Gordon says *June*, probably on the faith of the opponents of the proprietaries, who asserted they were left without a government after that month; but the Records [B. p. 479] mention Hamilton as acting as Deputy Govern-

or until 18th August, 1689; and as continuing at the head of affairs until May 18th, 1690, which is presumed to be the time when he arrived in England, after his detention by the French, and resigned his office.

until 1692. These, however, possessed ample powers to meet all common emergencies, and without any pressures from abroad, or attempted exercise of any disputed prerogative within the province by the agents of the proprietaries, the authority of these local magistrates appears to have been respected and the peace of the community preserved.¹ This state of things is the more remarkable when the condition of the neighboring province of New York, for most of the period, is considered. The revolution there in 1689, under the leadership of Jacob Leisler, which for a time seemed destined to succeed, did not excite sufficient interest in East Jersey to lead to any active participation in the movement, or to any disturbance

¹ Mr. Bancroft, in the ninth edition of his third volume, asks the significant question, "*Will you know with how little government a community of husbandmen may be safe?*"—and adds, "For twelve years the whole province was not in a settled condition. From June, 1689, to August, 1692, East Jersey had no government whatever, being in time of war without military officers, as well as without magistrates." The fact that the province must have contained nearly ten thousand inhabitants at this time goes far towards refuting the supposition that no legal restraints were in existence. If the functions of all the provincial officers had ceased—if there were no courts—no administration of justice—no punishment of the guilty—would not subsequent legislation have declared it distinctly? But a reference to the various charters and local regulations, will show most clearly how little probability there is that such "a state of nature" (as Mr. Bancroft terms it in his earlier editions) existed. [See E. J. Records, B. and I.

Lib. I. 2d part, pp. 19–22, II. Lib. III. p. 6. Grants and Concessions. Bill in Chancery. Answer to Bill, pp. 6, 14, 15. Newark Town Records, and those of Woodbridge and Piscataway.] This question is discussed at length in the Newark Daily Advertiser of March 30th, 1840, and June 17th, 1842. Mr. Bancroft's authority (and probably Grahame's also, for he too appears to have a similar impression) was undoubtedly Chalmers, who [p. 622] adopts as true an assertion made by the opponents of the proprietaries in a petition to the crown in 1699, (to be found in Smith's N. J. p. 508,) which appears to have been satisfactorily refuted. [See Grants and Concessions, p. 690. Bill in Chancery, 124.] Mr. Bancroft, in later editions of his History, revised the passage above referred to, and confirms these views by saying "There is no reason to doubt, that, in the several towns, officers were chosen as before, by the inhabitants themselves, to regulate all local affairs." III. p. 449.

of the prevailing tranquility. For although Leisler complained that most of the calumnies and divisions which interfered with the success of his project, originated in New Jersey or Pennsylvania; and although in 1691 there were several from New Jersey identified with him, it is evident that the support was of little account, and his complaints applicable only to those who had sought safety from his rule,¹ being attracted by the contrast presented by the condition of affairs there, to the doubtful state of things at home.

So averse were the opponents of the proprietaries to the re-establishment of their authority, that for a time the public sentiment was in favor of a continuance in this state of comparatively imperfect organization as to government. For on the arrival of Hamilton in England, and the death of Governor Barclay, which occurred on October 3d, 1690, the proprietaries appointed John Tatham to be their governor, and subsequently, in 1691, Colonel Joseph Dudley, but both nominees the people "scrupled to obey,"—on what grounds is not stated,—thereby nullifying the effect of their subsequent complaint that the proprietaries had left them during this period "without any government whatever."²

In the population of the province up to this period,

¹ N. Y. Col. Docts. III. pp. 557, 598, 609, 656, 701, 716, 717, 721.

² Bill in Chancery, p. 124. Pocket Commentary of first settling of New Jersey, &c., in Philadelphia Library, p. 13. Dudley at that time was one of the New York Council, and subsequently Deputy-Governor of the Isle of Wight, Member of Parliament, and

Governor of Massachusetts, "a cunning man, and some say a notorious time server." [Douglas II. 248, 269] He was a native of Massachusetts, and enjoyed more public honors and offices during his life than any other citizen of New England. He was a Judge in 1689, and was imprisoned and sent to England with Andros. The following

there had probably been an increase since the estimate made by Nicolls in 1680, of nearly a hundred-fold, so that the number of souls in East Jersey could not have been much short of ten thousand. It was a constant cause of complaint with the governors of New York, that the freedom from taxation and mercantile restrictions in East Jersey, operated greatly to the prejudice of that province, by inducing emigration to the west side of the Hudson: the old towns of Newark, Elizabethtown, and Middletown, were constantly drawing increasing numbers from New England and Long Island, extending their limits, or forming in their neighborhood centres for other towns and villages; while both from Scotland and England a large number of families had arrived and settled in various parts of the province. The new capital, Perth Amboy, had become an important village, comprising among its inhabitants many who in subsequent years filled important stations in the civil or political circles.¹ The Scotch became especially interested in the prosperity of the town, and from it the new settlers spread westward, entering upon the

year he was appointed Chief Justice of New York. He was a learned man and in private life amiable, dignified and elegant in his manners. [Chandler's *Crim. Trial*, I. p. 263, Note.] Governor Slaughter of New York, writing to Lord Nottingham May 5th, 1691, said, after alluding to the sad condition of the England colonies, "the two Jerseys are in something a better posture, and the proprietors of them in England have desired Col. Dudley, the first of his Majesty's Council here, to inspect and manage their affairs, who is very capable of their trust, but will do

nothing therein without his Majesty's direction, which I am honestly of opinion may do well, if your Lordships shall so judge, until they may be annexed unto this province, or otherwise, as his Majesty shall command." [N.Y. Col. Docs. III. p. 760, &c.] John Tatham, Smith says [p. 191], was "a Jacobite," which caused his rejection by the Assembly of West Jersey when he resided there, and after 1698 he was one of the Council of that province. Council Minutes, p. 198.

¹ See Whitehead's *Amboy*.

unbroken interior, or establishing themselves on the banks of the Raritan and other streams, becoming soon sufficiently numerous to call for the creation of a new county; Somerset, in 1688, being set off from Middlesex.

With the view of placing their capital on the direct route between New York and Pennsylvania, roads were opened leading thence to the Delaware at Bordentown, intended to supersede the old path by the way of Inian's Ferry, (now New Brunswick,) and between Perth Amboy and New York, packet boats were established to convey passengers and freight.¹

With the increase of population and the extension of settlements, the want of clergymen and schoolmasters began to be seriously felt, and strenuous exertions were made to obtain them; indicating, in conjunction with other minor circumstances which may be gleaned from the imperfect records, that an interest in what would affect the future permanent well-being of the province pervaded the people to a greater extent than before, and in some degree commensurate with the advancement otherwise apparent. It would have been singular if under such circumstances the people had been willing to remain long without a government of some kind.

The New England Colonies, on the successful termination of the Revolution in favor of William, did not hesitate to resume the exercise of those functions of which they had been deprived by his predecessor; and the proprietaries of East Jersey, in like manner, as the agreement with the crown on the surrender

¹ See subsequent pages on "Miscellaneous Topics."

of their powers had never been fully consummated,¹ took again into their hands the affairs of the province and re-organized its government.

On the 25th March, 1692, Andrew Hamilton, who was then in London, was appointed governor.²

John Barclay

John Barclay, a brother of the late governor, who had been a resident of East

Jersey for some years, received the appointments of receiver-general and surveyor-general, and³ Thomas

Thomas Gordon

Gordon, a scotch gentleman who was also a resident, and who

subsequently filled many important offices, was appointed deputy to William Dockwra—the proprietors' chief secretary and register in England—to reside and act in the province.³ In September Governor Hamilton arrived, and was received in a manner that removed every impediment to the re-establishment of the proprietary government, experience having probably satisfied the people of the benefits flowing from the existence in the province of some supreme authority; and the personal popularity of Governor Hamilton conducing to the peaceable resumption of the rights which under other circumstances they would have been disposed to deny to the proprietaries. The governor appointed his council on the 14th September,⁴ which consisted of Captain Isaac Kingsland, of New Barbadoes; Captain

¹ See page 144.

² For notices of Gordon and Barclay,

³ East Jersey Records. His salary see Whitehead's Amboy.

the first year was to be £300, and after that £200. ⁴ East Jersey Records.

Andrew Bowne, of Chingagoras (Monmouth county); John Inians, of Raritan River; David Mudie (Richard Hartshorne took the place of

Samuel Michie

Richard Hartshorne Mudie in 1695) and James Dundas, of Perth Amboy; John Royse, of Roysefield (Middlesex county); Samuel Dennis, of Woodbridge; John Bishop, of Rahway; and Lewis Morris, (afterward governor) of Monmouth.

On the 28th of the same month a general assembly convened at Perth Amboy, at which session the laws previously passed subsequent to 1682, were, with a few exceptions, re-enacted, and others amended.¹ An act was also passed authorizing four hundred pounds to be raised by a special tax,² in order to lighten the burden of New York in the war existing between England and France, the frontier settlements being much exposed to expeditions from Canada. This was in accordance with the expressed

¹ Grants and Concessions. The selling of liquor to the Indians was more effectually prohibited, a standard of weights and measures established, each county directed to be divided into townships—which was perfected the next year, and 'forasmuch as there was great exorbitances and drunkenness observable in several towns occasioned by tolerating many persons in selling drink in private houses,' the retailing of all liquors was placed under new regulations.

² All male householders, sixteen years old and upward, their male children, servants and slaves of the same age, were to pay each two shillings, all other males of that age, not householders, and without estates, four shillings each, all females sixteen and upward, one shilling each, and the deficiency, if any, to be realized from horses cattle, swine and land as rated and assessed.

wishes of the government, and the directions of the proprietaries in England under date of 1st June preceding;¹ and although the representatives, in the preamble to the act give, as their motives for its passage, their sense of duty, the allegiance they owed their majesties, the brotherly love felt toward their neighbors, and the due defence of their own borders, yet the most probable operating cause for this liberality on their part, was the desire felt to secure the favor of the crown by what might be considered a popular demonstration of respect for its commands; and on the part of the proprietaries, their expectation that to evince such a willingness to conform their sentiments to the views of royalty would strengthen their cause, and secure the possession of functions reassumed with considerable doubt and anxiety. Certain it is that East Jersey had little or no danger to apprehend from the French, and there were no special reasons why, at this time, unusual regard should be had to the interests of New York.

It appears that the tax was paid by the people through the influence of the motives assigned, or others;² and the following year a similar one was imposed, to raise four hundred and thirty pounds to support twenty men, to be despatched to Albany for the defense of the frontier, a submission to which

¹ New York Col. Docts. III p. 838-840. In 1692 the militia of East and West Jersey numbered, it is said, 1,400 men well armed and disciplined [Ibid. III., p. 859] but in 1696 the number is given as only 1 000. [Ibid. IV. p. 185.

² Chidly Brooks, collector and receiver of the revenue at New York, in his account of receipts and expendi-

tures, from January, 1691, to December 1695, reported £365 ls. 10d. received in cash from East Jersey; which is presumed to have been the result of the tax mentioned in the text, as at that time there were no customs paid to New York from the province. New York Col. Docts.

was also effected by Governor Hamilton, whose exertions were actively directed to the successful prosecution of these measures of defence.¹ In 1696, however, similar projects for the relief of New York found no favor with the people, not a man being obtainable except under a stipulation that the service should be rendered only in case of actual invasion, and with the privilege of returning to the province so soon as the emergency had passed.² The neglect

¹Grants and Concessions, p. 334. New York Col. Docts. IV. p. 56 114. Penn Col. Records I. p. 423. Under date of Oct. 9th, 1693, Governor Fletcher wrote "East Jersey has given us £400 and 65 men who are now at Asbury. I attribute this chiefly to the good principles of Colonel Andrew Hamilton, their Governor, who is ready on all occasions for our assistance;" and again, under date of Nov. 19th, 1694, he wrote, "I can obtain no assistance from the adjacent colonies except the Jerseys, who have sent 30 men, which is owing to the good affection of Governor Hamilton." This is corroborated by the minutes of Council [p. 161] which show how earnestly the Governor advocated the furnishing of men. Fletcher's successor, Lord Bellomont, also acknowledged his obligations to Hamilton. See N. Y. Col. Docts. IV. p. 671 and 679 for a plan of Hamilton's for maintaining troops in the colonies.

²New York Col. Docts. IV. p. 174, 243. Letters from Gov. Hamilton to Gov. Fletcher, June 26th and August 26th, 1696. He says, "I have formerly acquainted your Excellency that I had set some young men who had been formerly to Albany to invite others: they now inform me that Captain Matthews is so much in their

good graces, that if he comes down he is the likeliest man to prevail. I would have him first find out Matthew Moore, of Woodbridge, who was one of his company. He knows the temper of the young men and can the best assist. They must be soothed into it, for asserting the power of the Commission will make them all run the province." These plans were unsuccessful, and he afterwards wrote: "It was with great difficulty I obtained what I did—that in case of an invasion they should march to the frontier and be at liberty to return when the action was over or the enemy retracted; and even to obtain this I was forced to promise them 12d. a day from your Excellency, and pledged my own credit to procure 12d. more at the first sitting of an Assembly. They live so plentifully at home, and get so great wages; besides several of our youth have gone to the southern colonies to be free from detachments, and several, as I am told, gone aboard Captain Kidd, that there is not a probability to prevail with them to continue in garrison, and indeed very difficult to effect anything." The letters from which these extracts are taken were dated at Burlington. N. J. Col. Docts. IV. p. 199–201.

shown by the other provinces in conforming to the requisitions of the New York governors, was thought a reasonable excuse for a like course on the part of East Jersey.

From 1692 to 1696, inclusive, the sessions of the General Assembly were regularly held, indicating the existence of a more quiet state of society than had existed for some years previous, and confirming in some measure the assertion of the proprietaries in their communications to the lords of trade, that Governor Hamilton had served the people acceptably.¹ The legislation also, at this time, for the establishment of schools and the appointment of school-masters²—for the improvement of the foreign trade of the province—for encouraging the growth of wool by exempting sheep from taxation—the better regulation of different courts—the preparation of roads, particularly the great thoroughfare to West Jersey, and the facilitating the transmission of letters by post through the province to Pennsylvania,³ would seem to imply the existence of an increasing and more general desire to adopt such measures as were calculated to foster the best interests of the community, notwithstanding the divisions and disputes which operated so strongly to prevent cordial co-

¹ Bill in Chancery, p. 124. The Minutes of Council, however, indicate at times considerable asperity of language between that body and the Assembly.

² The assembly of New York began also at this time (1695) to think of better regulating their schools and school-masters, although two years subse-

quent to the first action of East Jersey Assembly, which was in 1693.

³ Gov. Hamilton was at the time Post Master General, and the expense was borne by the different provinces. The share of Pennsylvania was £20. Penn. Records, I. pp. 463, 467, 540, II. p. 28.

operation between various parties in the province.¹

These dissensions were not by any means at an end, and already, instead of longer being likened to paradise partly from the absence of lawyers,² so great was the demand for the services of gentlemen of that profession in the province, that an act was found to be necessary in 1694, preventing justices of the peace, sheriffs, and other officers of courts from acting as attorneys, excepting when personally interested in the matters at issue.³

In July, 1695, the assembly proposed that, as the payment of quit rents was a general grievance, some arrangements should be entered into for their purchase by the holders of patents. The governor interposed no objection to submitting the proposition to the proprietaries, but nothing satisfactory was ever accomplished, although in 1699 an agent was specially appointed to confer with the patentees in relation thereto.⁴

¹ Other purposes of acts passed during this period were—the regulation of marriages, requiring the publication of bans—to enable counties to defray their expenses by levying taxes,—to prevent the use of arms, etc., by slaves,—to punish culprit negroes,—to oblige constables to serve when chosen to that office,—to enable the Governor to license ordinary keepers,—to raise money for the public charges, etc. See Grants and Concessions.

² See page 58.

³ These may be considered the precursors of those days when, it was said, "No men grow rich here so fast as the gentlemen of the bar." Previously, in 1676, an act was passed prohibiting justices of the peace from acting as attorneys, "it being not

convenient, the province being in its minority," but the next year they were allowed to appear "in case of foreign negotiations."

⁴ "The Governor answered that he had no Instructions at present to dispose of them, but if they would send some person home to negotiate that affair with y^e proprietaries, he and y^e Council * * would send home another, and did not doubt but it might be so ordered and Concerted that the Proprietors would Consent to sell off y^e quit rents on reasonable terms, they settling a fund for y^e future support of y^e Government." [Council Minutes, p. 180.] In November Thomas Gordon was sent over to represent to the proprietaries in England the state of their affairs in the province, with

In the same year, the first judicial decision respecting land titles was obtained, the court giving judgment in favor of the party claiming under the proprietary grants; but the advantages that would have arisen from a definite settlement of this long controverted question were not realized, in consequence of a reversal of this decision by the king in council, through a technical informality in the proceedings, leaving the matter still the same exciting cause of contention.¹

The great desire felt by the proprietaries to secure the favor of the crown by conforming themselves in all things possible to its will, has been already noticed; and now, all the benefits that were in prospect for the province, flowing from the judicious administration of Governor Hamilton, were sacrificed in order to carry out the presumed requirements of an act of parliament passed in 1697, "for preventing frauds and regulating abuses in the plantation trade; which required that all proprietors of colonies should present their respective governors to the king for his approval, and that no other than a natural born sub-

direct reference to the application referred to in the text, provision by the inhabitants for the support of the Government, being recommended to be previously required. A recent decision respecting land titles (noticed in the succeeding paragraph in the text), which had been appealed from, was also one reason for Mr. Gordon's embassy, the Governor and Council being anxious that correct information respecting it should go with the appeal; and also the settlement of some legal difficulties arising from the use of the words "*heirs or assigns*," instead

of "*heirs and assigns*," in the form prescribed for the patents, through the inadvertence of the secretary of Sir George Carteret. A difference which was thought to operate to make that a life interest, which was intended to be one of inheritance. The original Instructions, in the handwriting of Governor Hamilton are in the library of N. Y. Historical Society, Boundary Papers, I.

¹ Bill in Chancery, p. 44, 120, 122, 124. Douglas' Summary, II. p. 278. N. J. Hist. Soc. Proc. 2d Ser. Vol. I. p. 175.

ject of England could serve in any public post of trust or profit.¹

Governor Hamilton being a native of Scotland, was considered by the proprietaries in England to be among those excluded from office by this act, and they, therefore, notified the provincial council under date of October 12th, 1697, that they had been obliged, much against their inclination, to dismiss him from the government, and had appointed Jeremiah Basse as his successor, the approbation of the king having been obtained thereto.² This approbation, however, was more implied than actual. The act of parliament not only required an approval of the king but also that security should be given for the good behavior of the governors thus appointed; and as early as June, 1697, when his appointment must have been first proposed, Basse was notified that the Council of Trade judged it expedient that in his case such security should be given prior to the submission of his name to the King or the Lord Justices. Basse replied that the security called for was unnecessary in the case of governors for East and West Jersey, inasmuch as the frauds and abuses the act was intended to prevent, were not likely to prevail in either province, and he argued that as no person could act as governor without his Majesty's approbation, such approval made the incumbent of the office as much the choice of the Crown as of the proprietaries, and it was not to be presumed that the royal assent would

¹ Bill in Chancery, p 124.

by "Josiah Prickett, of Burlington."

² East Jersey Records C, Laws, In March, 1698, he sold out to John p. 273. Council Minutes, p. 196. Harrison, of Flushing, Long Island. This year, 1697, Cranbury was settled

be given to any appointment not calculated to promote the honor and interests of the home government.¹ Although, subsequently, the Lords of Trade disclaimed any special reference to New Jersey in their communication, only intending to conform to the king's directions which were of general application, their suggestion was not complied with. Basse received his commission on the 15th July, for one year, but did not arrive in the province until the Spring of 1698, the intervening time being employed by him in negotiations for placing the commercial privileges of the province on a better basis. His commission was presented to the council on the 7th April, on the following day it was ordered to be publicly proclaimed, and shortly afterward Hamilton sailed for England.²

The new governor commenced his administration by publishing, along with his commission, a proclamation of unexceptionable character, inculcating obedience to the laws, mutual good will, attention to the duties of religion, and the abandonment of all vice and immorality,³ and another, setting forth that the Commissioners of Customs had continued Perth Amboy as a free port ;⁴ and on the 6th May appointed for his council the same gentlemen, excepting three, who had composed that of his predecessor. Captain Thomas Codrington of Somerset, Thomas Warne of Middletown, and William Pinhorne of Bergen, being substituted for Messrs. Kingsland, Dundas and Morris.

¹ N. J. Col. Docts. June 8th, 15th, 22d, 1697.

² Bill in Chancery, p. 33, 124. Council Minutes, p 196.

³ See Note T. E. J. Records. Council Minutes, p. 197.

⁴ For the documents probably producing this result see N. J. Col. Docts., Aug. 31st, Oct. 27th, 1697.

But however favorable may have been the auspices under which he assumed the government, circumstances soon occurred to change their character.

Basse was already known in both East and West Jersey, but in the eastern province that acquaintance was not of a character to insure him the favor of the people generally, and his elevation to office and power led him to assume a deportment which rather lessened than otherwise the little respect his promotion might have secured to him.¹ In West Jersey he was not acknowledged by the assembly for want of the royal approbation, but received the support of the proprietors; and the council of that province expressed their pleasure at the appointment of one whose "conduct and principles and his long experience of the institutions of the province, and of the peoples' tempers and interests, largely qualified" for the position. But in a communication to the proprietors in England they complain that not one of the Quakers had "set one foot forward to meet him upon the road, or conduct him into town, or paid so much regard to his person or quality as to visit him at his lodgings," although received by others with every demonstration of consideration and regard.² The dissatisfaction felt in East Jersey was increased when it was discovered there that he had not obtained the king's approval, as had been alleged, nor had a sufficient number of proprietaries signed his commission, only ten names having been obtained, instead of the requisite number of sixteen.³ Many of the proprietaries re-

¹ N. Y. Col. Docs. IV. p. 439. Letter of Lord Bellomont.

² N. J. Col. Docs., April 14th, 1698. Basse reached Burlington on the 12th.

³ Bill in Chancery, p. 45, 124, app. 33. Smith's N. J. p. 565. The objections made to Basse on account of his not having the king's approval to his

siding in the province, would, therefore, no longer acknowledge him as their legally constituted governor, and with numbers of the inhabitants refused obedience to him and his officers, asserting that Hamilton, not having been properly superseded, was still governor, and that through his absence the chief authority had devolved upon the council.¹

Thus delicately placed, the governor hesitated to call the assembly together,—although in instructions with which he was furnished under date of April 14th, 1698, he was directed to do so “with all convenient speed,” after two months should have elapsed,—fearful, should the majority prove adverse to him, that his authority might be more generally denied; and it was not until the 21st February, 1699, that he overcame his doubts and convened the representatives of the people. Probably, a personal interest was felt in securing the co-operation of the assembly, in upholding the claims of the province to the commercial privileges that New York sought to engross, had

appointment, probably grew as much out of the dislike to the man as for the regard felt for the violated law. The lords of trade were not, at that time, disposed to countenance openly the appointment of any governor by the proprietaries, as they began to question their right of government; but the appointment of Basse was known to them, and the exercise of authority by him, tacitly assented to, inasmuch as instructions on certain topics had been given him both by the lords justices and commissioners of the treasury, which Basse produced as evidence that the consent of the government had been obtained.

¹ Basse's first court was held in

May, 1698; Andrew Bowne, John Bishop, Richard Hartshorne, Samuel Hale, James Bowne and Thos. Waite sitting as justices with him. The record has this entry: “Lewis Morris, Esq., came in open Court and demanded by what authority they kept Court. The Court declared by y^e Kings Authority. He denied it & being asked, Who was dissatisfied besides himself, he said One and all. The Court commanding y^e said Morris to be taken in custody, Co^l. Richard Townley, Andrew Hampton, both of Elizabethtown, & three or four more, cried one and all. and y^e said Lewis Morris said he would fain see who durst lay hold on him—and when a Constable by order

considerable weight in bringing about this determination.¹

Disowned as he was by a portion of the proprietaries, and with private interests at stake, it is not surprising that Basse should have sought to strengthen himself from the ranks of the opponents of that body, and his weakness became, by consequence, the source of increased activity and efficiency to their opposition. The governor, once dependent upon them, was soon their prey, and concessions of vital importance to the continuance of the proprietaries' government were obtained through the connivance of their own officer. The proprietaries in England, in their

of y^e Court laid hold on him, he, in y^e face of ye Court, resisted." [E. J. Records.] A manuscript in the library of the N. J. Historical Society gives the result; it reads as follows:

"Att the Court of Comon Right held at Perth Amboy ye 11th day of May, 1698, the Court orders that Lewis Morris Esq^r for denying y^e Authoritie of this Court, And other his contempts, shall be fined fifty pounds, and be committed to prison till paid. By order of y^e court. Edward Slater, Clerke. To y^e Sheriff of y^e County or Middx: A True Copy

Joseph Rolph Shr^f.

Mr. Morris may have been prompted to this course by his dismissal from the Council, but he represented a large and influential portion of the people. Refusing to pay his fine he was imprisoned in a log house, but his friends raised the logs sufficiently for him to escape. He was certainly not ashamed of the occurrence, for the above document was carefully preserved among his papers, endorsed "Minutes of y^e C^t of common Right fining and Committing

L. M." [N. J. Hist. Soc. Coll. IV. p. 6.] He subsequently, in 1701, thus referred to the difficulty in a letter to the Lords of Trade: "On the Eleventh day of May he [Gov. Basse] held y^e Supream Court of y^e Province & there one of y^e Late councill, did Publicly demand of Him, by what Authority He tooke on Him y^e government of his Majesties subjects? who reply'd by the Kings and ordered that Person to be siez'd: and y^e Court fined him fiftie Pounds and com^titted him to y^e Sheriff's Custody." N. J. Col. Docs.

¹ They were directed to convene on the 21st, "by eight of the clock in the forenoon," which appears to have been the usual hour for commencing legislative labors. The Governor's speech at the opening of the session, the first document of the kind that we have presented verbatim, warrants the presumption in the text, as it treats almost exclusively of the differences between the two provinces as to the privileges of a port at Amboy. Council Minutes, p. 203.

instructions of the 14th April, among other things, authorized him "to grant the privilege" of an assembly annually, and the nomination of the people of of their own justices, coroners, and officers of militia, provided they would buy at least one-half the value of the quit-rents in ready money, and the Assembly pass an act for the permanent support of the government.¹ But, when the representatives met in obedience to the mandate of the governor, without doing aught that was prescribed, an act was passed, which he approved of, prohibiting the election as deputy or representative of any person either proxy or agent for any proprietor. This was done, too, under circumstances that show peculiar remissness on the part of Basse, in upholding the authority and interests of those who had intrusted him with the government.

Geo. Willocks George Willocks had arrived from England a few months before as agent for the proprietors, to sell their quit-rents and collect arrearages.² He was named in their instructions to the governor, who was requested "to give him all possible assistance therein and any thing else wherein he is employed in the Proprietors' concerns." Having been previously a resident of Perth Amboy, he was elected soon after his arrival a member of the assembly from that place, and on the introduction of a bill correcting what was conceived to be a clerical error in the early patents, affecting their value,³ he remonstrated

¹ For other instructions see Grants and Concessions, p. 220.

² The word "or" had been used in the habendum instead of *and*.

³ Whitehead's Amboy, p. 80. Grants and Concessions, p. 214.

against its passage, and appealed to the council for a hearing upon all bills that "should any way touch y^e private Interest or Estates of the Proprietors." A long discussion ensued at a special conference of both houses, and it was eventually resolved that his authority was insufficient and they were not concerned to enter into any further debate with him," and the bill was passed.¹ We are left in ignorance as to what occurred in the assembly after this ignoring of Willocks' assumed general agency, whether he resigned his seat or, which is the most probable, was unceremoniously dismissed. But the next day, a writ was issued by the governor for a new election for a member from Perth Amboy, and a few days later the bill referred to above was passed, effectually excluding from the assembly any proprietor or representative of one.² Another bill, declaring at length the rights and privileges of the inhabitants of the province, differing in many respects from the established laws,³ was also passed and received the governor's approval. So that through the error of the proprietors in England in selecting such an officer, and his own incapacity or want of integrity, their interests in East Jersey were in a far more critical position than for some years previous. The only matter in which the governor and assembly appear to have acted in concert with the views of the proprietaries, was the opposition shown to the unjust and harassing proceedings of New York in relation to the trade of the province,

¹ Council Minutes, pp. 210, 211.

² Council Minutes, p. 213. The Assembly also passed a bill regulating Willocks' office of "Chief Ranger" to which the Council allowed him to state

his objections, and the bill does not seem to have become a law.

³ Grants and Concessions, pp. 220, 368. See Note U.

to which allusion has been made, as well as to the governor's personal interest therein.

In 1694, in the hope to improve the foreign commerce of the province, the General Assembly authorized the establishment of a custom-house at Perth Amboy, and required all vessels coming to East Jersey there first to enter. An act was also passed prohibiting the exportation of pipe-staves, shingles and plank, excepting to "places beyond the sea," which, however doubtful may seem the measure to us as warranting any assurance of benefit to East Jersey, was regarded by the authorities of New York as deeply prejudicial to that province. In allusion to it Governor Fletcher wrote: "They are now making war upon us in point of trade, they will draw the shipping thither and establish a free port, to the great prejudice of this place, and sink the trade of it; they pay no duty to the king, and all will flock to it."¹

Owing either to the fact that but little advantage accrued to the one province, or detriment to the other, from the measures adopted, or to the friendly relations which existed between their respective governors: no steps were taken by Governor Fletcher to resist this re-assertion of the independence of East Jersey in commercial matters, other than the reiteration in almost every dispatch of his hope and desire that both the eastern and western provinces might be re-annexed to New York. This was a favorite theme with all the royal governors of that province,²

¹ Under date November 19th, 1694, New York Col. Docs. IV. p. 114. having been deprived of his proprietary functions; and his instructions were

² Governor Fletcher, when commissioned in 1692, had Pennsylvania placed under his control; and in November of that year, a strong hope was ex-

and it is not therefore surprising—in conjunction with the reluctance of William to surrender any of the acquisitions of authority or prerogative which his predecessors had usurped, plainly evinced in his dealings with other provinces—that the subject being so frequently brought to the notice of the crown, should have led to the adoption of means calculated to attain the end in view.

Nothing could have been plainer than the decision given by Sir William Jones in 1680 as to the rights of West and East Jersey,¹ but to confirm them, if possible, against the renewed attempts on their subversion, which were foreseen, the proprietors in 1697, obtained another opinion from eminent counsel adverse to the imposition of any customs otherwise than by act of Parliament and their own Assembly.² But, whatever effect this may have had favorable to the interests of East Jersey, the proceedings of Lord

pressed by one of the New York Assembly that the Jerseys and New Castle would also be annexed, which hope he said was their “strongest support.” Grahame’s U. S. See Minutes New York Assembly.

¹ See page 100.

² The names of these lawyers were Sir John Hawles, subsequently Solicitor General, and Sir Croswell Levins. See the opinions in N. J. Col. Docs. April 2d, June 4th, 1697. [N. J. Hist. Soc. Proc. X. p. 142. Chalmer’s, p. 626, quoting Prop. Records, A. p. 158.] Chalmers, followed by Grahame, says these duties were imposed by the Assembly of New York; but there is nothing either in the minutes of that body, or in the laws of the province subsequent to 1691, which indicates

such an origin. The acts complained of by New Jersey were probably the promptings of the king’s arbitrary officers alone. Grahame also (apparently quoting Chalmers) calls Hawles and Levins “crown lawyers,” and states that the subject was referred to them by the government, and that their decision produced an abandonment of the pretensions of New York. [II. p. 298, Edit. 1837.] Chalmers does not say the question was submitted by the government, but that the *proprietaries*, on application for the advice of these lawyers, obtained the opinion. It assuredly did not cause the aggressors to abandon their pretensions, for we find them eighteen months afterward still exercising their unjust authority to the prejudice of East Jersey.

Bellomont, successor to Governor Fletcher in the province of New York, effectually dissipated. By his instructions, dated August 21st, 1697, he was directed to prevent the trade between the Indians and the inhabitants of East Jersey, on what grounds is not stated, and probably none existed save the enhancement of the New York revenues, and thereafter Lord Bellomont appears to have set himself studiously to work to obstruct also the foreign trade of the province. He informed the Board of Trade under date of May 8th, 1698, that he had even forbidden the printing of proclamations in New York, which Governor Basse was anxious to distribute, making known the establishment of the ports of Perth Amboy and Burlington.

A few days thereafter he received a dispatch dated the 23d February preceding, which had been by some means delayed in the transmission, conveying to him, as the result of the persevering efforts of himself and predecessors, an order from the crown denying the right of the proprietors of both East and West Jersey to the privilege of ports; and requiring him to "take care that the rights and privileges of the province of New York be not infringed;" and a proclamation was issued accordingly.¹

These proceedings were resisted by Governor Basse with much more spirit than he had manifested in upholding the interests of the proprietaries against the encroachments of the disaffected in the province. He issued a proclamation counter to that of Lord Bellomont, and by letter and in person advocated

¹ N. Y. Col. Docs. IV. pp. 288, 305, 314, 319.

their cause, and persisted in claiming and exercising the privilege decreed for Perth Amboy.¹ This energetic conduct might have relieved his administration from some of the imputations which must rest upon it, did it not appear, as has been remarked, that he had a personal interest in the matter.

A vessel had arrived at Perth Amboy in March, of which he was part owner, and she was now lying there, either waiting for a cargo or the settlement of the vexed questions of the ports. As the latter result had not been attained as late as November, Basse carried his threat of open resistance into force, a cargo was put on board the vessel and preparations made for her departure. His plans, however, were frustrated. The governor of New York, when the ship was about to sail, sent down an armed force of forty men, seized and brought her to the city, and as Basse refused to receive her back on condition of having her cleared at New York, she was tried and condemned in the Court of Admiralty.²

It was under these circumstances that the assembly of New Jersey, at the session of February, 1699, passed an act to raise the sum of six hundred and seventy-five pounds to defray the expenses of remonstrating against injuries already sustained, and to

¹N. Y. Col. Docts. IV. pp. 382, 380, 383, 418. Basse had one important fact in his favor. The commissioners of the revenue had recognized Perth Amboy as a port, and appointed a collector with full powers as early as 21st November, 1696, who entered upon the discharge of his duties in April, 1698. N. Y. Col. Docts. IV. p. 305. N. J. Col. Docts.

²N. Y. Col. Docts. p. 439, 605. E. J. Records, Council Minutes, p. 201, 202, 206. The ship was called the Hester, she was of 120 tons burthen, and her lading consisted of 28,000 barrel staves. It appears from the N. Y. Col. Docts. that another vessel had been previously dealt with, by Lord Bellomont, in the same way.

prevent their infliction for the future; which, however, was never enforced.¹

The true relations existing between the Crown and New Jersey, as regarded commercial privileges, were certainly very imperfectly understood by the royal officials, and the numerous statements and counter-statements with which the different Boards were supplied by Lord Bellomont and the proprietors, caused frequent consultations and interchanges of documents with enquiries as to what had been or should be done under the various phases of difficulty presented at different times. Months rolled away, until finally the Board of Trade² recommended that the claim of the proprietors of East Jersey to a port at Perth Amboy be tried at the Bar in Westminster Hall. Nothing is known of the commencement or progress of this suit, if the recommendation of the Board was carried out, but in 1700 Basse's claim for damages from the alleged proceedings of Governor Bellomont came before the Court of King's Bench, bringing with it a full discussion of the rights involved, and resulting in an award to Basse of several hundreds of pounds sterling, and the thorough establishment of the rightful claim of East Jersey to the privileges of a port; but in the meanwhile all the benefits that might have accrued to the province from their enjoyment were lost.³

¹ Grants and Concessions, p. 379. See Note V.

² Under date April 18th, 1699. N. J. Col. Docs.

³ N. J. Col. Docs., N. Y. Col. Docs. IV. p. 600. See N. J. Hist. Proc. X. p. 139-146 for a full discussion of the subject. Gov. Bellomont

found it necessary to modify the tenor of his correspondence to the Lords of Trade considerably. It must have been with some little irony that he wrote in October, 1700, "Your Lordships' directions to me [about the Port], will not now need to be complied with since the Proprietors have carried the

Governor Basse also objected to the exercise of jurisdiction within his government by the Court of Admiralty established in New York, prior to the seizure of his vessel, on the ground that Bellomont's commission as Vice-Admiral had not been published; and resisted a requisition made upon him for two seamen, presumed to have belonged to a piratical vessel, who had been captured in East Jersey; but subsequent reflection led him to obey the mandate when reiterated, being satisfied of his duty so to do, or of the want of jurisdiction in the provincial courts.¹

The assembly having adjourned from the 13th March to the 15th May. The Governor, probably anticipating that some collisions might attend their reassembling, found it convenient to absent himself for awhile to look after the affairs of West Jersey, leaving

Andrew Bowne, of the council—who had always been found among the opponents of the Proprietaries—Deputy Governor during his absence.²

Prior to and during Basse's administration, cases

cause in Westminster Hall and obtained a freedom of Port for Perth Amboy;" and again in November he wrote, "Mr. Basse has had great good fortune in his tryal, upon the account of my seizing the ship Hester, at Perth Amboy, to have recovered such great damages of the King." After getting the Earl into such an awkward position it was rather a poor apology for the Lords to write to him as they did, under date of April 29th 1700, "as for Mr. Basse, it was not in our power to

hinder their proceedings of his about the ship Hester, but *we did all that in us lay* to defend his majesty's right in that cause, though *the success did not answer expectation.*" N. J. Col. Docts. IV. p. 719, 777, 856.

¹ But, after all, Bellomont discharged them on bail. N. J. Col. Docts., June 17th and 18th, 1698.

² Council Minutes, p. 219, 221. Bowne took the oath of office and entered upon his duties May 15th.

of piracy on the coast were frequent, causing considerable apprehension and giving the Governor an opportunity to ingratiate himself with the administration, by evincing great diligence in their capture, at the same time undermining the influence of the Scotch proprietors, and repaying them for their opposition to him, by skillful inuendoes intended to implicate them with the offenders; and he did not hesitate to connect the Scotch gentlemen in the province with the adventurers who at that time were projecting the settlement of Darien.¹ During this visit to West Jersey he was particularly active in pursuit of some of the pirates, going himself in a small vessel on an expedition against them. Several were captured, but from defective laws do not seem to have received their merited punishment.² This ill success was attributed to Basse, in a

¹ On the 25th May he issued a proclamation to the inhabitants of New Jersey prohibiting any correspondence with or assistance to their adventurers. N. J. Analyt. Index, p. 24.

² N. Y. Col. Docs., p. 542. This year fourteen men were landed at Cape May who had been on piratical voyages in the East Indies, six of whom were taken, and as there was no law authorizing their punishment in West Jersey, application was made to the government for their removal to England for trial. The famous William Kidd, after having been employed by the government to suppress these buccaneers, from the knowledge he possessed of their numbers, strength and places of resort, returned from the East Indies, whither he had sailed after making several unsuccessful cruises on the American coast—during his absence having been engaged in

the very practices he had engaged to prevent. This result appears to have been in a measure foreseen by the provincials. Governor Fletcher, writing to the Board of Trade, June 22d, 1697, says: "One Captain Kidd, lately arrived here and produced a Commission under the great seal of England for suppressing of piracy. When he was here many flocked to him from all parts, men of desperate fortunes and necessitous, in expectation of getting vast treasures." (By a note on page 191 it will be seen that the Jerseys contributed to this force.) "He sailed from hence with 150 men as I am informed; a great part of them are of this province. It is generally believed here they would have money *per fas et nefas*, that if he miss of the design intended for which he has commission 'twill not be in Kidd's power to govern such a horde of men under no pay."

great measure, to the fact that he had only a proprietary commission, and the opposition shown to him in consequence of his discountenancing the Scotch and pirates in their illegal proceedings; expressing his opinion to the Board of Trade that their suppression could only be effected by a total exclusion of the Scotch from all participation in the government of the plantations.¹

Basse was absent from the province from about the 10th May to the latter part of July. Bowne, as President of the Council, being, in the absence of the Governor, the proper personage to succeed, his authority does not appear to have been questioned, however little respected he may have been personally, or qualified to allay the tumults in the province.

N. Y. Col. Docts. IV. p. 275. Kidd, in May, 1691, received 150 pounds from the N. Y. Assembly for his services "in attending with his vessels before his excellency's (Gov. Slaughter's) arrival," and the next month he was in Boston beating up recruits for an expedition against a French privateer then off the coast, under the patronage of the Assembly of Massachusetts.—[Mass. Hist. Col 3d Series, I]. His subsequent career is too well known to require comment here. On his appearance in 1699, the authorities of East Jersey issued a proclamation, directing

his capture and the detention of his vessel [E. J. Records C, Laws p. 294.] and in the same year he was made prisoner in Boston, sent to England, and there executed in 1701.

¹"The Scotch Gentlemen amongst us," he wrote, "are grown to a very great hight from the prospect of a Gentleman of their own Nation (meaning Hamilton), filling the seat of Government in these provinces by his Majesty's approbation." [N. J. Col. Docts. June 9th, 1699.] He had just before acted in conformity with his opinion

by having Thomas Gordon Clerk of the Council and John Barclay, Clerk of Chancery, displaced; but in June, 1699, Mr. Gordon presented his commission for the more important position of Attorney-General, and had to be recognized as such. Council Minutes p. 225.



The reassembling of the Assembly in May resulted only in a disorderly session of four days, and the unceremonious dispersion of the members.

The details cannot even be conjectured, from the scanty materials which have come down to us, but it is evident that serious apprehensions were entertained of an open insurrection under the leadership of Morris and Willocks; for not a little of this unexplained confusion may be attributed to the fact that the people of Perth Amboy, in accordance with the writ issued to elect a member in the place of Willocks, had returned Lewis Morris, who, by dismissal from the Council, had been left at liberty to assume an independent attitude in opposition to the Governor, although still a firm supporter of the proprietary interests.

The refusal to recognize Basse as the rightful Governor of the province, did not rest as merely a matter of opinion or for speculation in the minds of those by whom his authority was disavowed; but as his power increased by combinations with the opponents of the proprietaries, so grew the opposition to him. It was not only proclaimed in words, but deeds consistent therewith followed. Both Morris and Willocks having become involved in proceedings militating against the established authority, they had been ordered, at the last meeting of the Council attended by the Governor before leaving for West Jersey, to give security for their good behavior, and to appear before the Court of Common Right at its October term, which they refused to do, especially so

far as binding themselves to good behavior was involved ; Morris asserting that by no overt act had he given any occasion to doubt his observance of a proper deportment.¹ On their refusing to give security for their good behavior they were allowed to go on their parole, and on the 16th May a letter, addressed by them to the Council, intimated that they were prepared to resist any proceedings against them.²

Messages to and from the Council and Assembly were the immediate consequence, conferences and discussions were held, and it was agreed that an act should be prepared the next day to guard against insurrection, but adjournment of the Assembly became the prominent theme instead. This was opposed by Bowne and the Council, as an earnest desire was felt to modify the act passed at the previous meeting, intended to redress the wrongs sustained by the interference of New York with the commerce of the province, so as to make it more palatable to the people ;³ but on the Council's convening on the 19th, they were informed that "the speaker went away early in the morning with seven of the members of the House," and there was nothing left for the Council to do but to "adjourn till further occasion."⁴ Morris was greatly the superior of Willocks, both as to his mental ability and his standing in the province,

¹ Council Minutes, p. 220.

² "We are now able (God be thank'd)," wrote they, "to treat with you any way you think fit; if you had valued your own or the Welfare of y^e Government, your procedures had been more calme. Your day is not yet out, & it is yet in your Power to

follow the things that make for peace, & if you do not at your door lye the Consequence. Our friends will not suffer us to be put upon." Council Minutes, p. 222.

³ N. J. Col. Docs. See Note V. Letter from L. Morris, Sept. 29th, 1702.

⁴ Council Minutes, p. 225.

and there cannot be a doubt that his appearance as a member of the Assembly in the room of Willocks was calculated to weaken materially the governor's adherents, and hence this sudden and undignified dispersion.

There is no probability that either Morris or Willocks was ever tried, for every month brought with it greater anarchy,¹ Basse's government was openly defied. The offenders when imprisoned were rescued by force from the jails, the officers while discharging their duties were abused and maltreated,² and the prosperity and growth of the province most seriously interfered with. The favorable aspect of affairs which the administration of Governor Hamilton had generated, although less than two years had elapsed, was entirely changed. It was under these circumstances that he was restored to the province, having been re-appointed on the 19th August, 1699, governor for one year, notwithstanding the machinations of Basse to prevent it, but he did not arrive until December.³ Basse did not wait for his successor but sailed from New York for England before his arrival,⁴ leaving Bowne, it is presumed, in charge of the government—if government it could be called. The records are blank, and even the Council, composed of the creatures of Basse, held no meetings after August.⁵

¹On the 24th August, at the last meeting of the Council attended by Basse, Thomas Gordon, the newly appointed Attorney General, was pronounced not "a fitt person to make use of" in that capacity on their trial, and some one else was appointed, but that is the last we hear of it.

²Bill in Chancery, pp. 45, 124. App. 33.

³E. J. Records, C. p. 311. N. J. Col. Docs. Letter of Lewis Morris, Aug. 5th, 1701.

⁴N. J. Col. Docs. Gov. Hamilton's letter, June 13th, 1700.

⁵Council Minutes, p. 227.

The proprietaries in England, having ascertained that both the king's attorney-general and solicitor-general were of opinion that a native of Scotland did not come under the prohibitions of the act of parliament which has been referred to, were induced to reappoint Governor Hamilton, in the hope that, as he had previously ruled the province to the general satisfaction of the inhabitants, his return would be the most effectual remedy for the prevailing disorder.¹ On presenting his name to the lords of trade for the required confirmation of his powers, the proprietaries found that a trial in the courts of law, of their right to govern their province, had been resolved on, and consequently no approval of any one as their governor would be granted; but inasmuch as the preservation of peace and the prosperity of the people forbade the abandonment of all government while the question was being determined, an opinion was expressed that they would incur no danger by commissioning Hamilton, and that he would be safe in performing his duties as governor, so long as he acted in accordance with the laws of England.²

¹ See pages 188-192. The subject was revived on the receipt of a petition from Dockwra, in behalf of the proprietaries, for the appointment of Hamilton, December 23d, 1698. Secretary Popple referred the matter, on January 17th, 1699, to Sir. Thos. Trevor, the Attorney General, and on the 2d February he answered that his being a Scotchman was no impediment; but his opinion was not publicly made known and the question legally decided until May, 1700, when it came up at Hampton Court, before the king and council, on a petition from an officer in Barbadoes, who had been dispossessed

of his office on the same grounds. The Solicitor General, Joseph Hawles, joined in reporting that the act did not prevent the exercise of official duties by Scots, they being considered native born subjects of England. [E. J. Records, Vol. IV. C, Laws p. 331. Smith's N. J., p. 565. Bill in Chancery, p. 124.] Grahame, in citing the precedents of Governor Barclay and Lord Neill Campbell, did not notice the fact that the act, to which the proprietaries were anxious to conform, was not passed till 1697.

² See Note X. Smith's N. J., p. 556. Grants and Concessions, pp. 592, 593.

These circumstances were made known by Governor Hamilton on proclaiming his commission,¹ and having strengthened his position by some changes in the Council, Morris being restored to it,² his authority was generally submitted to; but the want of the king's express approbation, which in Basse's case had been overlooked by his adherents, on the ground that it was a matter lying between the proprietaries and the crown, was now, by the same party, made an insuperable obstacle to obedience. At least such was the avowed cause of their objections, but the true one lay rather in the deep-rooted aversion to the proprietary government, in whatever form presented or by whomsoever exercised, unless by some one in their interests. A belief was fostered that its destruction would be a preliminary step to the abolition of all obligations to the proprietaries as owners of the soil and quit-rents; which however erroneous, served to unite the disaffected much more closely than any other bond of union could possibly have done, not so immediately affecting their pecuniary interests.³

From a representation of the Lords of Trade, in New Jersey Colonial Documents, under date of October 2d, 1701, printed in Smith, [p. 566,] it appears that the ground to be taken on the trial was, that a grant of power such as that to the Duke of York, was "unalienable from the person to whom it was granted, not to be assigned by him to any other, much less divided, subdivided and conveyed from one to another, as had been done in the present case." The New York Documents furnish a letter from the Board of Trade to Lord Bellomont, (see Note W.,) show-

ing that the determination to try the right of government sprung out of the dislike felt to abandon the ground taken respecting the ports, and with the view probably of forcing the proprietaries into concessions.

¹Council Minutes, April 23d, May 30th, 1700, pp. 228, 229.

²"Believing him to be the only man that can make the province submit to him as Governor without the King's approbation," wrote Bowne and Harts-horne to Basse under date of June 3d, 1700. N. J. Col. Docs.

³Bill in Chancery, p. 124.

The governor convened an assembly the ensuing May, (30th) but the majority being adverse to the proprietary interests and his own authority, he deemed it prudent as the members neglected through debate among themselves to elect a speaker on the first day of the session, to profit by some technicality thereby offered, to dissolve it the day after.¹ It was on this occasion that the validity of his commission was for the first time openly called in question, but tumultuous and seditious meetings were subsequently held, the justices appointed by him were assaulted, while sitting in open court, by bodies of armed men, the sheriffs were attacked and wounded when in the discharge of their duties, and every exertion made to seduce those peaceably disposed from their allegiance to the government: so that this period became known in after years as "the Revolution."²

Governor Hamilton, on the 15th August, issued his proclamation denouncing these illegal proceedings, and was enabled to keep up a nominal authority in the province, although failing in his endeavors to secure entire quietude and submission, and being on one occasion himself subjected to confinement under guard for four days, on attempting to hold a court in Monmouth county.³ The opposition of even some of the proprietaries was brought to bear against him.⁴

William Dockwra

William Dockwra, their Secretary and Register in England, having been em-

¹ See Note X, for a letter from Hamilton referring to these proceedings.

² Bill in Chancery, p. 45, App. 33.

³ E. J. Records, C, Laws p. 328. See Note Y, for the details of this and other seditious proceedings.

⁴ "Misled by false representations of Richard Salter (a factious and seditious person) obtruded upon them by William Dockwra"—say several of the proprietaries, subsequently, in a protest to the Governor and Assembly.

powered to issue instructions and other documents in his official capacity which were to be of equal force of validity as if signed by the proprietors themselves,¹ had gradually assumed more and more au-

¹ William Dockwra when first mentioned in the East Jersey Records is styled "Merchant of the parish of St. Andrew, Undershaft, London." As has been noticed on previous pages [136, 137] he took an active part in promoting the welfare of the province by sending over settlers and contributing money, thereby securing large tracts of land, but never came himself to look after his interests, and consequently, judging from letters in the author's possession, the pecuniary benefits were much below his expectations. Some of these private undertakings appear to have been placed under the personal supervision of Gov. Hamilton, and their failure may account for Dockwra's subsequent hostility to that functionary. In consideration of his services as their agent in London the proprietaries in England, on the 29th March, 1686, gave him a grant of 1,000 acres of land, and on the 29th April following, evinced their confidence in him by giving him the authority mentioned in the text, the original document being in the library of the New Jersey Historical Society. On July 6th, 1688, he was appointed Receiver-General and Treasurer succeeding William Haige, and on the 29th November, 1689, was made the Secretary and Register of the Board of Proprietors, performing his duties in the province by deputy.

In 1683 a Penny post for letters and small parcels was established in London by an enterprising upholsterer named Robert Murray, but it was soon assigned by him to Dockwra, who has generally received the credit for

originating the enterprise. Smith in his History of New Jersey and Oldmixon mention it, but it is more particularly referred to by Macauley in his History of England, who says: "This improvement was, as usual, strongly resisted. The posters complained that their interests were attacked, and tore down the placards in which the scheme was announced to the public. * * * A cry was raised that the penny-post was a Popish contrivance, etc. The utility of the enterprise, however, was so great and obvious that all opposition proved fruitless."

But an act having passed in the fifteenth year of the reign of Charles II, assuring the profit of the post office to the Duke of York and his heirs male, that nobleman brought a suit against Dockwra in the Court of King's Bench for infringing upon his privilege, which was decided in his favor, with damages. In the reign of William and Mary, in recognition of Dockwra's services, a pension of £500 a year was granted to him for a limited period, and in 1687 William III appointed him "Comptroller of the Penny Post." The following year, however, he was removed, a representation having been made by his own officers, alleging that "hee doth what in him lyes to lessen the revenue of the Penny Post office, that he may ruin it or get it into his own hands." "He stops," said they, "under spetious pretences most parcels that are taken in, which is great damage to tradesmen, by loosing their customers or spoiling their goods, and many times hazard the life of the

thority in their affairs, in consequence of the difficulty in getting any number of the body together; and some of them had conferred upon him full powers as their attorney. Although he had taken an active interest in securing the appointment of Hamilton, yet, having used the power he possessed for his own personal aggrandizement and in various ways acted adversely to the interests of the province, and probably conceiving it necessary for the retention of his position—for George Willocks, in December, 1700, had brought his malversations in office formally to the notice of the Council in New Jersey¹—he and a few others of the proprietaries, as if to unite the factious among the inhabitants still closer in their disorganizing schemes by giving them a leader, selected and commissioned as governor Andrew Bowne, who, although a member of the Council, was an advocate of the claims founded on the Indian titles.² His claims to obedience, however, were soon annulled, for, on presenting his credentials to the Council on 17th June, 1701, the number of signers proved so greatly deficient that

patient when phisick is sent by a doctor or apothecary."

Dockwra died in 1717, leaving several sons and daughters, but none of them appear to have come to America.

¹ Council Minutes, pp. 230, 234, 236.

² On the 13th August, 1701, at their last meeting, Mr. Willocks, having substantiated all his charges, the Council recommended that Dockwra should be discharged, and all papers and records placed in the hands of Thomas Gor-

don. Some reason for Dockwra's action in reference to Hamilton may be found in the presence of Basse, in London, using his influence against the Governor, but from papers in the author's possession it is probable that the change in his sentiments was in a great measure owing to the unfavorable result of private ventures to and in East Jersey, which in whole or in part were intrusted to Hamilton's management.

his claims were at once disallowed, and a proclamation made accordingly.¹

A crisis had evidently arrived in the affairs of the province which the proprietors were not prepared to encounter successfully. As a body they had become so numerous,² so scattered—some in England, some in Scotland and some in America—and so divided in interests, that unanimity in council could hardly be expected; and yet, the inhabitants were pursuing such a system of measures, as required the utmost wisdom to project, with equal firmness and union to administer, such remedies as could alone lead to the re-establishment of peace and regularity:—without these necessary qualities to control their opponents but one result could be anticipated. The truth became manifest that their private emoluments were curtailed, even their title to the soil endangered³ by the deranged state of the province, and the threatened procedure to test their right to its government gave little promise of repose for some years.

¹ E. J. Records, C, p. 334. Council Minutes, pp. 231–233. "If it be Enquired Into I fear few of their Comissions has had that sanction [sixteen proprietyes] for they are divided, and five of one party (w^{ch} is about one-fifth of y^e whole) hatcht this last comission in A corner, and one of that Number having the keeping of their publique seal affixt it to it, and sent it into America without y^e knowledge and consent of Most of the rest; some of them being Ignorant of it, untill, (to their great surprise), they heard it from America." Letter from Lewis Morris, Aug. 5th, 1701, N. J. Col. Docs.

² From a schedule in Stirling and

others *vs.* John Hunt, it appears that as early as 1687 there were over sixty holding proprietary rights, and thirty-four entitled to a share in the government, which by the Fundamental Constitution of 1683 was restricted to those holding at least one-fourth of an original twenty-fourth. Grants and Concessions, p. 160.

³ Some of the opponents of the proprietaries, profiting by the confusion that prevailed in their councils, made large purchases from the Indians, and took possession of quantities of vacant lands which in many instances they succeeded in retaining. Bill in Chancery, p. 46, and App. p. 6, 33.

Representations and memorials flowed in upon the Lords of Trade and Plantations, so diverse in their nature and contradictory in their statements, as well betrayed the disorder and misrule that prevailed¹ Many of the proprietaries, and with them Lewis Morris—who went to England in the Spring of 1701, for the purpose of aiding in the establishment of a settled government—were anxious that the express approbation of the king should be given to the appointment of Governor Hamilton until their right to the government was determined, or the terms for its relinquishment agreed upon, conceiving that such a course would at once quiet the province;² others, however, were opposed to Governor Hamilton, as has been seen, and in favor of the surrender to the crown unconditionally; among these Basse was prominent, tendering his opinions and advice to the Lords of Trade in a way that can only be explained by the supposition that he was acting as the paid agent of disaffected parties in the province:³ while a third party, comprising the claimants under Indian titles and the Nicolls grant, were more desirous to subvert the authority of the pro-

¹ N. J. Col. Docs. and see App. to Smith's New Jersey, p. 358, and App. to Bill in Chancery, pp. 121-123, for some of these documents in print.

² William Smith, President, with Messrs. Schuyler and Livingston, of the New York Council, in a communication to the Lords of Trade, also commended his administration of affairs. [N. J. Col. Docs. IV. p. 863.] See Morris' letters to the Board in N. J. Col. Docs., Aug. 5th and Sept. 13th, 1701.

³ Under date of 1st Feby., 1700 he wrote to the Lords of Trade urging the king's taking both E. and W. Jersey "under his own immediate protection, which last, I am very certain, would be not a little grateful to all the unprejudiced men in both the Jerseys." The attention paid to this communication would indicate that he had considerable influence with the Board. See N. J. Col. Docs. Analyt. Index p. 31.

prietaries than anxious as to the government that might succeed. Factions were so prevalent and so strong, the favor of the king so little to be expected, and the proprietaries so wavering and feeble, that they were obliged to yield to the force of circumstances; the powers of government were surrendered to the crown of England.

The negotiations which preceded this event extended from the month of July, 1699, to April 15th, 1702, when the documents connected were perfected, and on the 17th of the same month the surrender was accepted by her majesty Queen Anne, who had ascended the throne on the death of William, the preceding month.¹ The proprietaries at different

¹See Smith's N. J., pp. 560-573. Grants and Concessions, pp 508-609 for some of the documents connected with the negotiations, and many others are in the N. J. Col. Docts.. Both the surrender and act of acceptance may be found in Smith [pp. 211 to 220] and in Grants and Concessions, [pp. 609-619] The proprietaries who signed away the sovereignty of East Jersey were Peter Sonmans, Joseph Ormston, Chas. Ormston, Edward Antill, George Willocks, Francis Hancock, Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank, Edward Richier, Michael Watts, Clement Plumstead, Robert Burnet, Miles Forster, John Johnstone, Michael Hawdon, John Barclay, David Lyell, Thomas Warne, Thomas Gordon, Thomas Barker, Thomas Cooper, Gilbert Mollison, Richard Hasel and William Dockwra. Only three of these names, those in Italics, were of the twenty-four, who nineteen years previous had received the grant from the Duke of York. And it was said in 1759, that sixty-four years after the grant to the twenty four (1746) there was not a male lineal descendent of the whole number (excepting the right of the Penns, and two or three small plantations occupied by the Hartshornes and Warnes) enjoying "a foot of land in East Jersey"—a reflection which should "abate our ardor in the pursuit of lands and wealth, and make us think ourselves, at best, but tenants in common to the blessings which the earth produces, and co-heirs of the gifts of nature." "*A Pocket Commentary of the first settling of New Jersey by the Europeans: and an account or fair detail of the original Indian E. J. Grants, and other rights of the like tenor in East New Jersey. Digested in order. New York, printed by Samuel Parker, 1759.*" This little work, containing many interesting, though trivial, remarks respecting men and things in New Jersey, is in the Philadelphia Library—the only copy ever seen or heard of by the writer. Gordon, [p. 55,] again mistaking old

times had presented specific provisions, respecting their title to the soil, the privileges of the inhabitants, and the important matter of the ports, which they wished to have incorporated in the act of surrender; but the adjudication of the case of Governor Basse against Lord Bellomont for the seizure of his vessel¹ having satisfactorily settled the rights of the province as regards the last named particular, the others were finally waived and the surrender executed absolutely, and unrestricted by any provisions; with an understanding, however, that all their legal rights as owners of the lands and quit rents should be respected. Indeed, the wishes of those interested appear to have been consulted on almost every point, there being very little difference of opinion excepting as to the person to be made governor, and it is probable the proprietaries would have been permitted to make the nomination could they have agreed among themselves upon a suitable person. It was considered that the privileges of the people, as confirmed to them by the concessions, fundamental constitutions, and laws of the proprietaries, were to remain unimpaired, and the government of the province to continue to be exercised in conformity therewith.²

West Jersey had enjoyed a much greater share of tranquility, if not prosperity, than the eastern province; but nevertheless, there also the people were

style for new, as William died in March, 1701, conceives that he died early in that year, and that, therefore, a year elapsed after his death before the consummation of the surrender. And yet he quotes from a page of Smith, containing an address to the king dated

January, 1701-2, which should have made him aware that William died in what we would call March, 1702.

¹ See page 206.

² Smith's N. J., pp. 262, 265, 560, 566, etc. Grants and Concessions, p. 609, etc.

too little in favor of the government established over them to render its due administration practical with safety to the seignorial rights of the proprietaries; and as their authority was also to be contested with that of their neighbors of East Jersey, they, anxious to be free from actual and anticipated evils, participated in the surrender.¹

After the execution of the Quintipartite deed in 1676, the province had its distinct government and officers; but in 1692, when Andrew Hamilton received the appointment of governor from the eastern proprietaries, West Jersey was also confided to his care, and he continued to fill the office acceptably, until the surrender (residing part of his time at Burlington), excepting during the administration of Basse, which there also was the prolific source of trouble.² With the exception of the question of boundaries,³ there does not appear to have been any transaction in which the two provinces participated during this period, or any negotiations or correspondence relating to matters of public interest.

Although, as has been stated, the surrender of the government by the Proprietaries was perfected on paper on the 15th April, 1702, it was not until the

¹ Byllinge would not allow that on the transfer of the province to his assignees, he had parted with his right of government, and until 1683 a deputy-governor under him was recognized in the province. In that year a governor was elected by the people, but subsequently the pretensions of Byllinge were again acknowledged, and a deputy from him received; but on his death in 1687, Daniel

Coxe, a large proprietary, purchased the interest of his heirs in the soil and government, and administered the latter by deputy till 1690. In the following year he disposed of his interest to a company styled the West Jersey Society, who were the parties by whom the surrender was made.

² See N. J. Col. Docs.

³ See page 87, note.

25th June that the Lords of Trade came to the conclusion not to recommend the appointment of Hamilton as Governor, but the selection of some one entirely disconnected with the disorders that had prevailed; and on the 25th July the selection by Queen Anne of Edward Hyde, Lord Viscount Cornbury, was



officially announced. Cornbury was a kinsman of the Queen, grandson of the Chancellor Earl of Clarendon, and had been appointed Governor of New York by King William before his death, on account

of services rendered in the enterprise which gave him possession of the throne of England,¹ and had entered upon his duties on 3d May, 1702.

Although it had been officially announced in July that New Jersey had also been placed under his authority, yet another month elapsed before his commission and instructions were prepared, and not until the 24th September was he notified of his appoint-

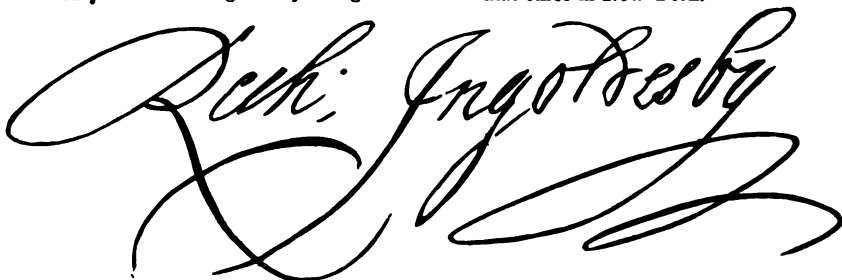
¹ Smith's N. J. 220. Hist. William III. London, 1702. Cornbury was among the first officers who deserted to his standard on his landing at Torbay, taking his regiment with him. There was a very general expression of preference for Andrew Hamilton both from East and West Jersey, and he was formally nominated to the Lords of Trade by Morris and a large number of Proprietors. It is a noticeable circumstance that no one seems to have thought of naming Basse for the office. Nottingham, Secretary of State, suggested him as a proper person to be put in the Council, but his assid-

uity and scheming were only rewarded by the position of Secretary. It is a singular fact that the different factions, excepting the Basse clique, recommended the same individuals for the Council, and they were adopted by the Board of Trade and named in Cornbury's instructions. Basse did not hesitate to object to the appointment of six of them and to suggest others, thinking the selection of any Quakers a questionable procedure. [New Jersey Col. Docs. Analyt. Index, p. 42.]

Dockwra and Sonmans for themselves, and, as they say, for others, recommended for Governor, their pre-

ment.¹ But the distracted province was to be subjected to a further prolongation of its trials. For some unexplained cause, the more unaccountable when the state of its affairs is considered, the Governor's commission and instructions were not received by him until the 29th July, 1703; thus leaving the province for nearly two years with a mere shadow of a government,² for although Hamilton was nominally governor until his death in April 1703, there seems to have been few, if any, recognized legal restraints beyond local town regulations. There could be consequently but one result. The province became the receptacle of the worst of the population of the neighboring colonies, rendering the better classes liable to the constant impositions and insults of a degraded populace. An earnest appeal was made to the Lords of Trade in September, 1702, by Morris to take some steps towards meting out to the disturbers of the peace of the province the punishment they merited. He argued that however defective the authority of the proprietaries might have been, it was well known that it had had the sanction of the crown under the great seal, and it was a tacit acknowledg-

vious choice, Andrew Bowne, or by became Lieutenant Governor, as he
Major Richard Ingoldesby. Ingoldes- held that office in New York.

A large, elegant handwritten signature in cursive script, reading "Rich: Ingoldesby". The signature is written in dark ink and features long, sweeping flourishes, particularly at the beginning and end of the name.

¹ New York Col. Docts. IV. p. 966. and the last recorded meeting of the

² No Assembly met after May, 1701, Council was held Aug. 13th, 1701.

ment of its validity that nothing should have been done by King William to supersede the governor appointed by them, or any measures adopted for substituting another government until the authority thus conferred and exercised, was formally surrendered and accepted by Queen Anne. It was due to the people of the province, as well as of importance to the Crown, that the laws should be enforced and justice administered.¹ This appeal, however, had no effect. No measures were ever taken, so far as is known, to bring the rioters to trial.

Cornbury had visited the Province in June, 1702, for the purpose of proclaiming Queen Anne, and on that occasion had been received in East Jersey by Governor Hamilton, and escorted to Burlington and back, the only official act of his of which notice is taken during the whole of this period of suspense.²

Shortly after the receipt of his commission, Cornbury proceeded to New Jersey and formally published it at Perth Amboy on the 11th August, having been met there by several of his proposed Council and some of the proprietors. Thence he proceeded to Burlington, where a similar publication was made

¹ N. J. Col. Docs. Letter of L. Morris, Sept. 29th, 1702. He writes, "I cannot say we suffer all y^e miseries of Confusion, but really a good part of them we do. Our Province being without Law and gospell, having neither Judge or Priest." Cornbury, writing in May, 1703, says, "It would be well, if it [his commission as Governor of New Jersey] were come, for at this time they are under no manner of Govern't, which is a great mischief to this Province, as well as that; for if any servant here is dissatisfyed, or any Soldier has a mind to desert, it is

but crossing Hudson's River and they are safe." N. Y. Col. Docs. IV. p. 1044.

² N. Y. Col. Docs. IV. p. 960. On the 21st Dec., 1702, Cornbury stated to the Board that he had been informed Hamilton had held a meeting or assembly in East Jersey: which was probably nothing more than a meeting of the Proprietors' Council, as it is stated that at the meeting a tract of land had been granted to Lewis Morris for his services in England, and he released from the quit rents due the Proprietors; matters with which any Assembly would have had nothing to do.

on the 13th, and the next day his council was organized, ten of the thirteen members named in his instructions being present.¹ Having appointed Sheriffs and Justices of the Peace throughout the province, and fixed upon the 10th October for the meeting of the first Assembly to be held at Perth Amboy, the authority of the Crown in New Jersey was duly established.

ANDREW HAMILTON.

And: Hamilton

The encomiums passed upon the integrity and abilities of Governor Hamilton by the proprietaries, have already been noticed, and from what is known of his administration we may believe their confidence to have been well bestowed.

Those who acted in concert with him were the most intelligent and respectable among the people, and constituted the majority as to numbers, although unable always to cope successfully with the refractory elements that were present.² Quarry, the emissary of the Board of Trade, whose office, apparently, was to keep their Lordships informed of everything that might possibly impair the authority of the crown,³ never failed in his communications to disparage Hamilton, although acknowledging him to be "a man of good sense"; censuring him for co-operating with the Quakers in West Jersey and

¹ Edward Hunloke and James Leonard had died, and Andrew Bowne was "not able to travel so far." The members qualified were Lewis Morris, *Samuel Jennings*, Thomas Revell, *Francis Davenport*, William Pinhorne, George Deacon, Samuel Walker, Daniel Leeds, William Sandford and Robert Quarry. Those named in italics were Quakers, to whom Cornbury at first refused the privilege of affirming instead of swearing; but they, showing a better ac-

quaintance with his instructions than he had himself, pointed out certain provisions which removed his objections for the time, but he made the propriety of the concession the subject of a communication to the Lords of Trade. N. J. Col. Docs. Sept. 9th, 1703.

² Letter of Lewis Morris. N. Y. Col. Docs. V: p. 34.

³ Occupying seats in five Councils at the same time—New York, New Jer-

for advancing the interests of the Scotch, to the detriment of the English in East Jersey, but there were, probably, private motives prompting his complaints. So with Dockwra, who, in 1693, used the most laudatory language to him for his judicious course as Governor,¹ but in 1701, when thought necessary to the advancement of his own interests, used every means to prevent his being retained in that position :² and the charges brought against him by Basse and others for the same purpose were boldly met and either refuted or explained by Col. Morris.³ His qualities, as a man, appear to have made him more esteemed than any of his predecessors, but we are debarred the satisfaction of regarding him in the private walks of life, in consequence of the few materials furnished by the existing records of his time.

When recommended to Lord Neill Campbell by the proprietaries, for the services he had rendered during his previous visit to the province, he was authorized to receive forty pounds sterling, or a grant for five hundred acres of land, whichever he might elect, in consideration of the "charges and pains" he had incurred.⁴ It is also stated that he was about "transferring his family towards the improvement of his plantation," but whether we are to include a wife among the number is uncertain, for after he had been some time in the province, he married Ann, the widow of Robert Wharton, of New York, and daughter of the former Deputy-Governor Rudyard. He may have married again, subsequently, for in his will his widow and legatee is called Agnes.

He died somewhere in East Jersey, probably at Burlington, April 26th, 1703,⁵ then holding the office of Lieutenant-Governor of Pennsylvania, the duties of which he assumed 1st November, 1701, in addition to his governorship of East and West Jersey. His being selected by William Penn as his representative is an additional

sey, Pennsylvania, Maryland, and Virginia,—and subsequently, being appointed Surveyor-General of the Customs in America, he was made by virtue of that office a councillor in any province where his business called him. Smith's N. J. p. 231, *note*. Analyt. Index p. 25. N. Y. Col. Docts. V. p. 471. N. J. Col. Docts., June 17th, 1702. June 16th, 1703, &c.

¹Proceed. N. J. Hist. Soc. I. p. 143.

²N. J. Col. Docts. May 14th and 28th, 1702. Jan. 27th, 1704.

³Basse in his anxiety to prevent the appointment of Hamilton, forgetting by whose authority he had himself acted as governor, called in question the right of the proprietors to any government whatever.

⁴E. J. Records, B. p. 25.

⁵N. Y. Col. Docts. IV. p. 1046. N. J. Minutes of Council, p. 242.

proof of his worth, although there are some doubts of his having been an earnest supporter of the Proprietors' government.¹

His death was announced to Lord Cornbury in the following despatch from the Council of East Jersey :

"May it please your Excellencie."

"To y^e great greife of us & of y^e better part of this province it Pleased Almighty God to take to himself Our Late Worthey Governour Co^l. Andrew Hamilton who departed this life On y^e 26th of this Instant: A person whose good Character is not unknown to your Excellencie. Wee being of y^e Councill of this province do (as in duty bound) humbly Represent the same to your Excellencie. Hoping y^e your Excellencies favourable assistance & support for y^e preservation of the publick peace will not be wanting to us, untill your Excellencies Commission do arrive which wee do heartily desire may be Spediely; Your Excellencies prudent administration in your Government of New York giving us assurance of happiness under your Excellencies Conduct. Wee are May it please your Excellencie, Your Excellencies most obedient Servants

"East New Jersey Perth Amboy 29th April 1703.

L. Morris

John: Bishop: p^m Perhorns

Sam^l James *Sam^l Halse*

"For his Excellencie Edward Lord Viscount Cornbury Governour of His Maj^{ties} province of New York and Dependancies."

¹ Letter from Penn to Logan in Janney's Life of Penn, p. 453. ² Minutes of Council, p. 242.

No connection has been traced between Governor Hamilton and Andrew Hamilton, the eminent lawyer of Philadelphia, who died in 1741, but it is probable some relationship existed. The governor left one son, John, who subsequently held several offices in New Jersey, under the Royal Provincial government, and has had the credit, of devising the scheme for the establishment of post offices in the colonies, to which his father is entitled. When the Governor was in England, in 1692, Thomas Neale, who had obtained a patent to establish post offices throughout the American Colonies, appointed him (April 4th) his deputy. Having brought the subject to the notice of Governor Fletcher and the New York Legislature, in October following an act was passed to carry out the project,¹ and for some years before the surrender of the government, he was Post-Master-General for the Provinces of New Jersey and Pennsylvania, and perhaps others.²

 JEREMIAH BASSE.


 A handwritten signature in cursive script, reading "Jer Basse".

Nothing is known of Mr. Basse's career prior to 1697, excepting that he had been an Anabaptist Minister.³ How long he had been absent from the province when appointed governor by the proprietaries in England, does not appear; but the ease with which the unquiet, designing spirits among which he was thrown made him their pliant servant, would incline us to believe that he was not prepared, by the information he had received of the state of the province, for

¹ Dr. O'Callaghan in N. Y. Col. Docts. IV. p. 200. Edward Armstrong in N. Y. Hist. Mag., May and July 1859, p. 221, &c.

² N. Y. Col. Docts. IV, p. 510.

³ N. Y. Col. Docts. V, p. 34.

the excitement and contentions which at that time existed. As it has been shown, however, that where his pecuniary interest coincided with those of the proprietaries, he exhibited a good degree of firmness in the discharge of his duties, he may have been in 1699, what the landholders' party style him in 1710, their "great debtor,"¹ and consequently disposed to identify himself with their opponents.

Unfavorable as is the impression made by his administration of the affairs of East Jersey, it is rather increased than lessened by his subsequent career. He did not return to the province until the government had passed into the possession of the Crown. He then came over as secretary under Lord Cornbury, and if a man's associates are ever to be allowed to influence an opinion of his character, there is some palliation in permitting such a connection to bear unfavorably upon Mr. Basse. We find, too, that he shared in the obloquy of his lordship's administration, and subsequent kindred proceedings; the House of Assembly in 1710, openly accusing him to Governor Hunter of malversation in his offices of Clerk of Council, Secretary of the Province, and Prothonotary of the Supreme Court,—of a disregard of truth,—of allowing himself to be made the tool of a faction:—and expressly name him as one of those whose continuance in offices of trust must ever endanger the liberties and property of those interested in the province.² Every possible allowance should be made for the warmth of political opponents, but there is nothing to be found conflicting with the general truth of the Assembly's representation, while circumstances of a confirmatory character are not wanting.³ In 1712 he was Surveyor of the Customs at Burlington, and in 1716, was elected a representative from Cape May, having become a resident of that county; and in 1719, was Attorney General of the Province, a distinction which would indicate the possession of greater popularity.

He died in 1725, and the following extracts from his will are given, as containing expressions which, if sincere, may rescue his memory from undue criticism: while at the same time they are curious and interesting, exhibiting the general character of the most systematic wills of that day, and embodying information referring to St. Mary's Church at Burlington.

¹ Smith's N. J.

Governor Hunter. N. Y. Col. Docts.
V, p. 256.

² Smith's N. J., pp. 395, 398.

³ These Charges are confirmed by

“ In The Name of God Amen.”

“ I Jeremiah Bass of Burlington, in Province of New Jersey, Being att This time By the Good Providence of God, of Sound Mind and Memory, (Blessed Be His Name for the Same,) Considering seriously the unsertainty of This Transatory Life, and Those many accidents that May disable me from settling That Estate that God in His mercy Hath invested me with, and being sensible In the time of Sickness, and on a Death Bead, the Most Prepared person will Have Enough To Doe To Contemplate the Estate He is Entering into in which His portion of Joy and Sorrow must Certainly Be adjudged To Him without any Alteration To all Eternity.”

“ I doe therefore Make and declare this To Be My Last will and Testament, Revoking and Dis annulling all other or former wills By Me Mad and declared.”

“ Imprimis I Comitt my Soul To God That Gave itt and my Body To Be desantly entered without any pomp, and I do Earnestly desire that Great Care may Be Taken to prevent all Manner of Rudeness that May Be occasioned By To Much Strong Lickquor and If There Be any Minister of Episcopal ordination Residing In Town, or Esie To Be Had Let a funerall Sermond Be preached from ye 19th of Job 25, 26 and 27th verses; and The psalms To be Sung, part of the 103 from verse ye 10th To the End, and the 90th psalm after The new Translation.—Thus my Desire Is To Be Buried according To The Rites and Serimoneys of The Best of Churches, the Church of England, of which [I call myself] an unworthy Member and In which Communion I desire [I may die] My Life May not In all Things and att all times Been Corispondant to The Rules of So good and holy a Religion, yet I trust my Sins shall Be Bloted out and My pardon sealed through The alone Merits and mediation of my Blesd Lord and Savor Jesus Christ, who as Second person In The Holy and In the undivided Trinity, In the Beginning Mad the world and all These Glorious Orbs of Light that Bespangle the fermament who in ye fullness of time after as The Divine Logos he had In a More peculiar Maner Governed the Jewish Church Took our nature upon him, and was Born of the Virgin Mary, and Being Crucified By pontius pilate He raised Himself up from the Grave By His own power, and on His assention into heaven Established for himself a Kingdom In this world which is His Church altogether independent on The Civill Magistrate In Matters purely Spirituall, and appointed

His Apostles and Ther Successors the Bishops Prests and Deacons as His offisers and Ministers of That Kingdon which He will Sopport and Maintain against all Oppositions till the End of The world and finall Judgment and that this Truth may Be more promulgated and taught My will and Desire is that forty shillings sterling per annum [be paid to] some honest and worthy Minister of Episcopal ordination more Peticulerly the Rector of the Church of St. Mary's in Burlington for the time Being or if ther should Be a vacancy there, and that Church Be supplid then to the Ministers of Christ Church in Philadelphia. and ther successors for the preaching two sermons annually, the one on Easter Sunday and the other on Whitsunday for the Mentaining and illustration of this great truth and for due and punctuall payment of this Legacy I charge all My Real Estate in the town of Burlington."

He then proceeds with the division of his property, leaving his wife Elizabeth executrix during her widowhood, to act with the advice and consent of his son-in law, Robert Talbot, and Andrew Hamilton, of Philadelphia: but should she marry again, his daughters, Katherine Talbot and Ann Bass, and his son Burchfield, were to be Joint executors in her place. He willed that should his children all die without heirs, before a full and entire division of the estate took place, such part as might be remaining was then to be given to the,—

"Minister, Churchwardens and vestory of the Church of Saint Mary's in Burlington and To Ther Successors for and towards the augmentation of ye Living of the Said Church and The encouragement of Catechising Every Wensday and Friday in Lent."

"Item my Desire Is that if it can well Be avoided my Library Be not Sold But Be preserved for the yoose of My Son Burchfield if He Incline to Learning and aplie Himself To the Study and pursue either of Divinity Law or phisig. But in Case His Inclination do not Lead Him To any of These Study's To Be divided amongs My Children unless my Son Talbot¹ Shall Incline to account att a just

¹ Governor Hunter in 1715 says. "Talbot has incorporated the Jacobites in the Jerseys under the name of a Church, in order to sanctify his sedition and insolence to the government. * * Cox, Griffith and Bass are his main props." [N. Y. Col. Docts. V, p. 401.] The author has in his possession an affidavit of George Willocks, made in May, 1717, giving an account

of certain interviews and correspondence with Mr. Talbot, in which the latter had expressed his great regret that any differences should exist between him and the governor for whom he entertained great respect, claiming that he had on several occasions upheld the cause of the government and shielded the Quakers.

value in Law of so Much of any other part of My Estate always provided that My Wife and Daughter Ann Have the prevelidge of chosing what they Like out of the Books of Divinity or History or Morality on the same terms."¹

This will was dated January 1724, and was proved before the Surrogate on 9th August 1725.

Whether any of the descendants of Governor Basse are yet living in the state is not known.

MISCELLANEOUS TOPICS.

Having brought the narrative down to the transfer of the government to the Crown, it may be of service, in forming a just conception of the actual state of the province at this time, as well as of the manner in which the proprietaries discharged their duties as chiefs of the commonwealth. to notice several miscellaneous topics connected directly or indirectly with its advancement in the various comitants of civilization.

POPULATION.

Some statements have already been made respecting the increase of population up to the year 1692,² and it is to be regretted that no definite data exist on which to base any satisfactory estimates for the ensuing ten years.³ It is probable, however, that, from the uncertain tenure of lands, and the distracted condition of the government during that period, there was little immigration into East Jersey with a view to permanent residence. We are enabled to form some conclusion of the relative importance of the different counties, and of

¹ It was thought advisable to transcribe the document literally, excepting the substitution of the letter *u* for *v*, (which is used throughout instead,) the copy which is followed having evidently been made with great care and soon after the testator's death; although it is probable some of the peculiarities of

orthography may have been those of the copyist.

² See page 186.

³ Governor Hamilton in 1700 estimated the men over 16 at only 2,000 in both provinces. N. Y. Col. Docts. IV, p. 680.

their respective advancement in wealth and population, by the assessments laid at two periods by the Assembly. In 1683, to raise fifty pounds, the four counties then existing were assessed in the following proportions :

Bergen, £11.	Essex, £14.
Middlesex, £10.	Monmouth, £15.

In 1693, each county was divided into its several townships, and to raise in 1694, the sum of £79 12s. 9d., the following proportions were enacted, exhibiting the relative importance of each town, as well as of each county :

		£	s	d	£	s	d
Bergen,	{ Bergen,	7	9	6			
	{ Hackensack,	3	18	6			
					11	8	3
Essex,	{ Acquackanonck and	6	15	0			
	{ New Barbadoes,						
	{ Newark,	6	15	0			
	{ Elizabethtown,	11	2	0			
					24	12	0
Middlesex,	{ Woodbridge,	8	5	0			
	{ Piscataway,	5	6	0			
	{ Perth Amboy,	2	0	0			
					15	11	0
Monmouth,	{ Middletown,	9	17	6			
	{ Shrewsbury,	11	17	0			
	{ Freehold,	3	14	0			
					25	8	6
Somerset,					2	13	0
					£79	12	9

From this table it appears that Monmouth County still remained the first in importance, but Essex, since 1683, had rather gained ground in the strife for pre-eminence. Middlesex had not improved in the same proportion, but had far exceeded Bergen, which must have either been overrated previously, or become less populous and wealthy.

ROADS AND FERRIES.

For the change which time had wrought in the face of the country, we are left to conjecture, no definite information respecting the char-

acter and quantity of the agricultural productions being obtainable; but it is very evident that, the labors of the husbandman must necessarily have been confined to narrow limits in the immediate neighborhood of the several settlements, from the few facilities that were afforded for communication with the interior, other than those which the rivers presented. It is difficult to realize that, at the period to which this narrative refers, many of the principal roads—those great arteries, of such essential service in the circulation of intelligence and wealth throughout the body politic,—were yet shrouded in wood, or unmarked on the barren heath.

The only Indian path, or track, of which there is any record, was one which has been mentioned,¹ extending from Shrewsbury river to the northwest limits of the province; and the only road opened by the Dutch, appears to have been that by which intercourse was kept up with the settlements on the Delaware, in what is now Maryland.² It was connected with New Amsterdam by a water communication from Elizabethtown point, or thereabout, and ran to the Raritan river at a point near where the present New Brunswick stands; its route probably being the same with what is now known as the old road between those places. The Raritan was forded at low water, and the road ran thence in almost a straight line to the Delaware, (above where Trenton now stands,) which was also forded. This was called "the upper road;" another, which branched off five or six miles from the Raritan, and arrived at the Delaware by a more circuitous route at the site of the present Burlington, was called "the lower road."³

The Communipau ferry, established in 1661,⁴ was placed under due regulations by Governor Carteret in 1669, and continued for many years the only authorized mode of communicating with New York from the Bergen district.⁵

¹Page 28.

²Edmundson the Missionary going from Monmouth County to the Delaware on his way to Maryland, although he had an Indian guide, got lost in the wilderness, there being no road, and had to make his way to the Raritan and take the path thence to the falls of the Delaware. Journal p. 106. See ante, page 125.

³Bill in Chancery, p. 5. See Dan-

ker's and Sluyter's Journal for an interesting account of a Journey from New York to Burlington, &c., in November, 1679.

⁴See page 22.

⁵Rates was established for the transportation of Corn, Barrels and Half Barrels of Beer, other goods and liquors in casks, Horses, Oxen, Cows, Hogs and Sheep, as well as for passengers, in fair weather, but "by night

The first public measures for the improvement or establishment of roads, seem to have been adopted in 1675. In November of that year it was enacted that two men in each town should be appointed "to lay out common highways:" and in April following, the appointment of persons was directed to be made by the towns of Middletown and Piscataway, "to make out the nearest and most convenient way that may be found, between the said towns, upon the country charge."¹ This was required to be done in thirty days, (indicating that the topography of the country was such as rendered the opening of the road a work of little labor,) under 'the penalty of what damage might ensue for the want thereof.'

These measures were followed in March, 1682-3² by the appointment of commissioners from among the most influential men in the province, "to lay out and appoint" in the different counties, (Essex, Bergen, Middlesex and Monmouth being all then existing,) "all necessary highways, bridges, passages, landings and ferries, fit and apt for travelling passages, and landing of goods." These Boards continued in existence for several years, and under their direction the first system of intercommunication was established. They made a return to the governor of the routes selected, and the roads when made were to be kept in order by the person, town, or township deriving the greatest benefit for them. The present generation travel many of the roads laid out by these commissioners.

In July, 1683, instructions were issued to Deputy-Governor Lawrie calculated to effect the establishment of a road between the new capital, "Perth town," and Burlington; and Lawrie, the ensuing year, carried the plan into execution. The road was opened, and a ferry-boat, for the transportation of freight as well as passengers, connected it with New York; but notwithstanding strenuous exertions were used to make the route preferable to the other, by the way of New Brunswick, they were unsuccessful. In 1698,³ the

or in unseasonable weather," the rates were as the parties might agree. The ferryman was obliged to keep his boat in readiness at all times, but more particularly on three days in the week, to be agreed upon *unanimously* by the inhabitants of Bergen and Communipau, when they were obliged to attend punctually. Subsequently the ferry-

man was a personage of sufficient importance to be elected by the people. —E. J. Records, Lib. III., p. 27.

¹ Grants and Concessions, p. 118. See page 84.

² Grants and Concessions, pp. 256, 294, 221.

³ Grants and Concessions, pp. 256, 294, 221.

propriétaires directed Gov. Basse to procure from the Assembly a specific act making it, by law, *the* public road, and providing for its good condition, but no such endorsement was secured.

The preference manifested for the old road did not raise its character materially, but in 1695 its improvement was contemplated by laying a tax for five years on the Inn-holders of Piscataway, Woodbridge, and Elizabethtown, to prevent its "falling into decay,"¹ and on the 2d December, 1697, the ford at New Brunswick was changed into an established ferry.² The only public conveyance through the province previous to the surrender, of which any knowledge has been obtained, was a wagon on the Amboy road, which, under authority from Governor Hamilton, ran at irregular times, and without established rates, in connection with the packet-boat to New York.³

LEGISLATION AND LAWS.

The progress of legislation and its objects, have been cursorily noticed in connection with the regular course of the narration, but an examination into the tenor of some of the laws not particularly noticed elsewhere may prove of interest at least, if not instructive.

Although thirty-four years had elapsed since the exercise of legislative powers in the province, yet, so unsettled had been the government for much of that period, that at the time of the surrender, the laws were still marked by much of that instability and inapplicability to the wants and circumstances of the people, which usually charac-

¹ Grants and Concessions. The sum required annually to keep the road in repair at that time was *ten pounds*; three were paid by the inn-holders at Piscataway, fifty shillings by those at Woodbridge, and the remainder by those in Elizabethtown.

² Called subsequently "Inian's ferry," from John Inians, who was the first grantee; the privilege to continue during the natural lives of both himself and wife at five shillings sterling per annum. It is doubtful if the transportation of heavy vehicles or of merchandise was provided for. Even in

1716, an ordinance of Governor Burnet's, prescribing the rates of ferriage, only provides for "Horse and Man," and "single persons." At that time all goods carried between New York and Philadelphia went by the way of Amboy. E. J. Records. Bill in Chancery, p. 5. Nevill's Laws, I. p. 60.

³ Smith's N. J., p. 302. This may have been "the Post" between East Jersey and Pennsylvania several times referred to in Penn'a Col. Records, [I. pp. 463, 467, 540.] For the traveling facilities during subsequent periods see Whitehead's Amboy, p. 267.

terize those of inexperienced or young communities. The diversity of national habits, of associations and education among the people, tended not a little to increase the difficulty and prevent the adoption of a systematic code of laws. The descendant of Puritans from New England, the persecuted dissenter from Britain, the peaceful republican Quaker, and the staunch friend to royalty, here met on common ground; naturally disposed to carry out each his own views as to what constituted good government, and either to withhold his approbation to measures proposed by his fellow legislators, or to profit by the first opportunity to substitute his own. Even when apparently united in a desire to advance the prosperity of the province by wholesome laws, a wrong estimate of the means to be adopted too often thwarted their efforts.

The spirit of the settlers from New England is plainly manifested in the penal laws which were early passed, and—although modified to some extent by the views of the less rigid immigrants from Europe—continued for the most part in force during the whole period of the proprietary governments. Drawing upon the Levitical code for many of the provisions and for much of the language of their laws, the descendants of the Puritans set up, in the penalties prescribed for their offending neighbors, an enduring memorial of the influence they possessed and exercised over their fellow colonists from other quarters; and it is fortunate that the rights and privileges of the inhabitants of East Jersey, in relation to religious liberty, were so expressly guaranteed in the concessions and fundamental constitutions of the province, or we might have to read a record of assumed powers for the regulation of man's belief.¹ Gordon in his *History of New Jersey*, when comparing the laws of the Eastern and Western provinces, observes that, "the genius of Calvinism, which rules by terror and the ever suspended sword in this and in the

¹ See pages 52, 53, for the regulations for Newark, where the New England people were supreme. The author would not be understood as undervaluing the character or the services of the Puritan settlers of New Jersey. To them and to their descendants is the state indebted for much of the stability of its institutions, the prevalence of virtuous principles among its population, and

the great deference for the laws which has, with so few exceptions, existed within its limits.

During the period of provincial history to which the foregoing narrative refers, the Newark people appear to have ever continued steadfast to law and order notwithstanding their proximity to Elizabethtown, where disorganizing doctrines and proceedings

future world, is strongly impressed upon the one, whilst a prudent reserve in naming crimes, and a humane forbearance in their punishment characterize the other. The ancient lawgivers prescribed no punishment for parricide, deeming the offence impossible: the Quaker legislators had no enactment against arson, no prescribed punishment for murder, or treason, and other heinous offences; and yet during four and twenty years of their administration, no instance of such crimes was known within their territories. In East Jersey there were thirteen classes of offences against which the penalty of death was denounced,¹ while in West Jersey such punishment was unknown to the law."

This was the first penal code enacted in 1668, and renewed in 1675. In 1682, some modification took place. The crimes for which death might be incurred were Arson,² Murder,³ Perjury to the prejudice of life; Stealing away any of mankind;⁴ Burglary and Robbery on the commission of the third offence, as incorrigible;⁵

were so prevalent; although, in subsequent years, led away by designing men, they became in a considerable degree identified with the party inimical to the proprietary interests.

When 1670 arrived, and the first quit rents became due, although they informed the governor that they 'held and possessed their lands and rights in the said town both by civil and a *divine* right,' yet they were ready when the time should come 'to perform their duty to the lords and their assigns,'—and on the 24th March every man's rent was required to be paid in wheat, into the hands of specified messengers who 'on the morrow were to carry it to Elizabethtown.' A similar course was pursued for one or two years, but it is uncertain that the rent was received, as for some time they steadfastly objected to taking out patents. [See Note H.]

In March, 1680, in answer to the proclamation of Andros abrogating the authority of Carteret, they wrote to him that 'they had taken the oath of allegiance to the king and fidelity to the present government, and until they

had sufficient order from his majesty they would stand by the same. These instances of their faithfulness to their engagements, and others of the same kind, in the early years of the province, present a strong contrast to the proceedings of many of their neighbors.

¹ Mr. Gordon should have added 'under certain circumstances.' Mr. Bancroft, in his early editions, confounds this code with a few mild laws passed under the Dutch government in 1673.

² The person to be tried for his life or receive corporal punishment, at the pleasure of the court, should he refuse or be unable to make full satisfaction.

³ In 1682, one-third of the murderer's estate was given to the heirs of the sufferer, in addition.

⁴ Exodus 21: 16.

⁵ For the first offence full restitution was to be made, and the culprit branded with T in the hand; for the second, restitution and the brand of R in the forehead, and if unable to make restitution, corporal punishment to be inflicted instead.

Theft if incorrigible;¹ Witchcraft;² Conspiracy to invade or surprise a town or fort; Smiting, or cursing their parents by children without provocation, on the complaint of the parents only;³ Rape, subject to the discretion of the court;⁴ Gross and Unnatural Licentiousness;⁵ but life was not to be taken save on proof of two or three witnesses.

Infidelity in the married life was made punishable by divorce, corporal punishment, or banishment, as the court might award; but in 1682, the parties were made subject to a fine and were bound to behave themselves for a year. A want of chastity was at first made punishable by fine, marriage, or corporal punishment; but in 1682, three months' imprisonment or a fine of five pounds was incurred, and in 1686 ten stripes at the public whipping-post were substituted in place of the imprisonment, should the fine not be paid.

Night-walkers, or Revellers after nine o'clock, (the time subsequently extended an hour,) were to be secured by the constable till morning, and unless excused on examination to be bound over to appear at court.

Marriages had to be published three times in some public "meeting or kirk," or publicly advertised two weeks; and to render them legal the consent of parents, masters, or guardians had to be obtained.

Horses and cattle roamed at large, and were obliged to bear the brands of the town to which they belonged, as well as the owners' private marks. Their number calling for the exercise of considerable ingenuity in devising the requisite variety, such as "three holes in the left ear;" "two half pennies on the under side of the off or right ear;" "a cross on the near ear and a slit on the under side of the same," &c.⁶ These marks were regularly recorded. The provisions respecting assaults by cattle upon either man or beast, trespasses by cattle and injuries done to them, were almost identical with those of Scripture.⁷ These were enacted in 1682, at which time the laws relating to the punishment of theft, seduction, injustice to the widow or fatherless, and for damage sustained by fire from the carelessness of others, were all made conformable to the Levitical Law.⁸

¹ For the first, second, and third offences treble restitution; if unable, to make restitution the culprit to be corporally punished.

² Exodus 22: 18.

³ Exodus 21: 17. Levit. 20: 9.

⁴ Deut. 22: 25.

⁵ Levit. 20: 13, 15, 16.

⁶ Whitehead's Amboy, p. 398.

⁷ Exodus, chaps. 21 and 22.

⁸ Exodus 22.

The resistance of lawful authority by word or action, or the expression of disrespectful language referring to those in office, was made punishable, either by fine, corporal punishment, or (as from 1675 to 1682) by banishment. Circulators of false news respecting public affairs, were fined ten shillings for the first offence, and for the second were "whipped or stocked;" and in 1675 *all* liars were included, for the second offence incurring a fine of twenty shillings; and if the fines were not paid the culprits were put in the stocks or received corporal punishment. The resort so frequently had to this last mode of punishing offenders, was without doubt owing to the want of proper prisons; for although we learn that at one time the province prison was "at the house of Captain Berry in Bergen," and at another, that Woodbridge had one within its bounds, there are no grounds for presuming either or both to have been of sufficient dimensions to accommodate all the offenders who might have been sentenced to confinement, had not corporal punishment been substituted.

"Concerning the beastly vice Drunkenness," the first laws inflicted fines of one shilling, two shillings, and two shillings and sixpence, for the first three offences, with corporal punishment if the offender should be unable to pay, and if unruly he was to be put in the stocks until sober. In 1682 this vice was treated more rigorously; each offence incurred a fine of five shillings, and if not paid, the stocks received a tenant for six hours; and constables not doing their duty under the law, were fined ten shillings for each neglect. This increase of punishment would indicate a greater prevalence of the baneful practice, the result probably of the removal of restrictions which had existed on the sale of liquors in small quantities.

In 1688, each town was obliged to keep an "ordinary," for the relief and entertainment of strangers, under a penalty of forty shillings for each month's neglect; and none but ordinary keepers were permitted to retail liquors in less quantity than two gallons.¹ In

¹It is somewhat remarkable that notwithstanding this prohibition, and a similar one of their own adoption in 1671, preventing sales under a gallon "unless in case of necessity," excepting by their "ordinary keeper" (Henry Lyon), the good people of Newark

should, in 1673, have authorized "Mr. Crane to sell liquors in the town," he "having liquors for six shilling a gallon and one shilling and sixpence a quart, they paying wheat for it." The lowness of the price was probably too great a temptation. See Town Records.

1677, the quantity was reduced to one gallon. In 1683, ordinary keepers were debarred the privilege of recovering debts for liquor sold amounting to five shillings; but whatever good this might have done was destroyed by the Assembly's authorizing the retailing of strong liquors by the quart, without restriction. In 1692, "forasmuch as there were great exorbitances, and drunkenness observable in several towns, occasioned by tolerating many persons in selling drink in private houses;" an attempt was made to establish an excise of four shillings per barrel on Beer, and one shilling per gallon on Wine, Brandy, &c., but in 1693 it was repealed, and the licensing of retailers confided to the governor.

As to personal rights, the laws were framed in a liberal spirit. In 1675 imprisonment for debt, save where fraud was intended, was prohibited. In 1678 the Common Law of England was assured to every one. In 1682 it was provided that no one should be imprisoned save by the judgment of his peers, or the laws of the province. All Courts were open to persons of any religious persuasion, and they were allowed to plead in their own way and manner, either in person or by their friends or Attorneys. All legal proceedings were to be in English, and as brief as possible. Trial by jury was confirmed with "reasonable challenges allowed the offender." All persons to be bailable except capital offenders. No court, by execution or other writ, to authorize the sale of any man's land without his consent,¹ but the rents or profits might be stopped for the payment of just debts

"All prizes, stage-plays, games, masques, revels, bull-baitings, and cock-fightings, which excite people to rudeness, cruelty, looseness, and irreligion," were to be discouraged, and punished by courts of justice, according to the nature of the offence. Swearing, or "taking God's name in vain," was made punishable by one shilling fine for each offence, as early as 1668, and such continued to be the fine until 1682, when a special act provided that the fine should be two shillings and sixpence, and if not paid, the offender was to be placed in the stocks or whipped, according to his age, whether under or over twelve years. The observance of the Lord's day was required: servile work, unlawful recreations, unnecessary traveling, and any

¹ "On the subject of real estate in lawyers differed widely."—Bancroft II. the New World the puritans and the p. 319, 9th Edit.

disorderly conduct, being punishable by confinement in the stocks fines, imprisonment or whipping.¹

COURTS.

The courts charged with the administration of the laws, were of four kinds. County Courts, Monthly Courts, a Court of Assize, and Courts of Common Right. The County Courts were established in 1675, holding two terms each year for the trial of all causes, and no appeal from them was allowed in matters under twenty pounds, excepting to the Bench or Court of Chancery. The judges were elected in the several counties. The same year a Court of Assize to hold one term yearly, at Woodbridge, was created, and also the Monthly Courts of small causes, whose jurisdiction in civil cases extended to sums of forty shillings. These courts consisted of three persons, chosen by the several towns yearly, each possessing its own, and their decisions were final.² In 1682 a jury was allowed at the cost of the person desiring it.

A grand jury was be chosen in each town, to be under oath to take notice of all infringements of the laws and present them to the next court, "always provided that no town shall oppress their neighbors by continuing them in the place above the space of one year." Any person refusing to serve on one of these juries when elected, was subjected to a fine of thirty shillings. In 1678, it was declared unnecessary for all the constables in the province to attend the court of assize; two from the adjoining towns, with the one at the place where the court was held, being sufficient.

In 1682, Courts of Common Right were established, to hold four terms a year at Elizabethtown, to which appeals could be made from

¹ The first indictment found in Monmouth County (in 1698) was against sixteen persons for horse racing and playing at nine-pins on the Sabbath. In 1704 many of these prohibitions were re-enacted, but by that time it would seem that the use of ardent spirits began to be considered necessary. Keepers of public houses were not to allow "tippling on the Lord's day, except for necessary refreshment." See Grants and Concessions for all the

laws prior to the surrender, excepting those passed under the Dutch domination in 1673, which are in Albany Records, Vol. XXII. p. 375.

² Previous to this, several of the Towns had their own courts in operation. In Newark there were two courts held annually as early as 1669, the verdicts being by a jury of six men; and in 1672 there were quarterly terms. See Town Records.

any inferior court in cases where five pounds and upward were at stake, and it was declared the Supreme Court of the province. Previous to this, the office of Sheriff does not appear to have existed. In 1686 the number of terms was restricted to two, and Perth Amboy was the place where they were to be held. Although a Court of Chancery was referred to as early as 1675, no such court was ever established while the province remained under the proprietaries.¹

RELIGION.

The legal provisions which have been noticed were intended to satisfy the requirements of morality; but, from the mingled character of the people assembled within the province, from different lands, of different sects, chiefly concerned in advancing their pecuniary condition,—where liberty of conscience was assured to all, and where ministers of the gospel were so rarely to be found to guide and control the waywardness of man's nature,—little zeal was shown in religious matters.

"There were some of almost every religious profession under heaven,"² observes one writer, causing such a diversity of opinion and separation of communities, as naturally prevented any rapid or systematic advance in the establishment of ministers or the erection of churches. The places principally settled by emigrants from New England, as they were more united in "doctrine and fellowship," were perhaps exceptions; securing the services of clergymen, or aiming at regularity in public worship, from the earliest period of their existence, although in them also there were difficulties attending their permanent establishment. The influence of this class of the population was undoubtedly beneficial.

In 1684, an early settler thus writes to his friends in Scotland: "There are here very good religious people, they go under the name of Independents, but are most like to the Presbyterians, only they will not receive every one to their society. We have great need of

¹ The first held was in 1718, during Governor Hunter's administration, and it was considered that the assumption by him of the office of Chancellor was an undue exercise of authority, and one which might result in great injury to the people; but his conduct received the approbation of the Queen's government. Answer to Bill, p. 4. Dunlap's N. Y., I. p. 231.

² Rogers' N. America, and see page 58, *note*.

good and faithful ministers, and I wish there would come some over here; they can live as well and have as much as in Scotland, and more than many get.¹ At this time, from the death of others, there was but one clergymen in East Jersey, who resided at Newark; public worship, however, was regularly attended in many of the towns, but in several parts of the province the people were without any religious services till a much later period; the first important measures towards supplying both East and West Jersey originating in England, with the Society for Propagating the Gospel, subsequent to the surrender:² the example of the Society being followed by other denominations of Christians.

The immigration from Scotland to the central portion of the province included many of the Scottish Kirk. Two of the ministers, if no more, are known to have accompanied the settlers,³ and in 1698, a clergyman of the Church of England was established at Perth Amboy, the capital.⁴ The Reformed Dutch Church was established in Bergen in 1662, 417 Guilders being subscribed by the people for the support of a minister, and the first church built there in 1680. We find a clergyman in Newark in 1667, a year after it was founded, and a meeting house built in 1669. The Rev. Abraham Pierson was the first clergyman and was succeeded by his son, who was followed by Rev. John Prudden till 1699, when the Rev. Jabez Wakeman became the pastor.⁵ At Elizabethtown James Peck was the first minister from 1668 to 1678, then Seth Fletcher, from 1680 to 1682. From 1687 to 1703 John Herriman was their pastor, and filled many different offices in his neighbor-

¹ Scot's Model, pp. 109, 200. Another class of the population is designated by another settler as "a most careless and infrugall people; their professions are most part protestants, few Quakers, some Anabaptists; it is most desired there may be some ministers sent us over, they would have considerable benefices and good estates." Scot's Model, p. 194.

² For a description of the Religious state of the province previous to 1700, deplorable enough, see Humphries' Hist. Account of the Society for the

Propagation of the Gospel.

³ E. J. Records, A, p. 385.

⁴ Humphries'. E. J. Prop'y Minutes, He was the Reverend Edward Perthuck, sent out by the Bishop of London at the request of several of the proprietaries, preferred in 1695. In 1702, the Society sent out the Rev., George Keith, to travel through the provinces and determine upon the best location for Missionaries. See Whitehead's Amboy, p. 209.

⁵ Stearns' First Church, p. 22, 29, etc.

hood. In 1682 he applied to the Board of Proprietors for land "at an easie acknowledgment in respect of his numerous family" (seven sons, etc), and one hundred acres were granted to him.¹ Attempts to obtain a settled clergyman at Woodbridge were not successful until 1670. Samuel Treat then officiated there for a time. Benjamin Salsbury succeeded for a few months in 1674, in which year the erection of a meeting house was commenced, but was not fully completed until 1681, at which time and until 1686 John Allen appears to have been their permanent minister. Archibald Riddell, from 1686 to 1689, and Samuel Shephard, after 1695, were the only other two incumbents prior to the surrender of the government.² The first organized congregation in Piscataway was of the Baptists, in 1689,³ and a similar congregation was organized in Middletown in 1688 under Samuel Morgan. It is probable that in 1702 there were eight or ten regularly settled ministers in the province.

SCHOOLS AND SCHOOLMASTERS.

Schools and schoolmasters were twice made the subjects of legislation under the proprietary governments, but it is impossible to discover from the imperfect records to what extent education was fostered; although, as has been before stated, from various indications it is evident that, with increase of population increased interest was felt in this all-important matter.⁴ In 1693 the inhabitants of any town, by warrant from any Justice of the Peace, might meet and choose three men to make a rate and establish the salary of a schoolmaster for as long a time as they might think proper; a majority of the inhabitants to compel the payment of any rates levied and withheld; the Act setting forth that "the cultivation of learning and good manners tends greatly to the good and benefit of mankind." This act being found inconvenient, "by reason of the

¹ Murray's notes on Elizabethtown, Hatfield's Hist. N. J. Records.

² Woodbridge Town and Church Records. Whitehead's Amboy, p. 380-386.

³ Edwards Materials, etc.

⁴ The first schoolmaster in Newark was established there in 1676; he was to "do his faithful, honest, and true

Endeavor to teach the Children or Servants of those as have subscribed, the reading and writing of English, and also Arithmetic if they desire it, as much as they are capable to learn, and he able to teach them within the compass of this year." [Town Records.] Bergen had a school in 1661 to 1663. Pratt's annals of Ed. in N. Y., pp 36, 37.

distance of the neighborhood," in 1695 another one passed, directing the choice of three men annually in each town, to be authorized to select a teacher and the most convenient place or places where schools should be kept

CURRENCY AND PRICES.

The currency of both East and West Jersey during the whole period of their colonial existence was much more stable than that of the neighboring colonies, and we at no time meet with such a state of confusion and difficulty as elsewhere prevailed at different periods.¹

In East Jersey, for some time after its settlement, the coins of both Holland and England, and their respective moneys of account were used; and the Indian wampum afforded the means of exchange with the aborigines. As its fabrication was free to all persons² every one was director of his own mint, and verifying truly the words of Scripture—"the hand of the diligent maketh rich"—he who most assiduously sought the simple *bullion* from which it was coined, was in the way of becoming the wealthiest of his race.³

¹Madame Knight in her Journal, referring to Connecticut as late as 1704, says, "they give the title of merchant to every trader who rate their goods according to the time and spetia they pay in, viz. Pay; Money; Pay as Money; and Trust. 'Pay' is grain, pork, beef, &c. at the prices set by the General Court that year: 'Money' is pieces of eight-rials or Boston-bay shillings (as they call them), or good hard money, as sometimes silver coin is termed by them, also wampum, viz. Indian beads, which serves for change: 'Pay as Money' is provisions as aforesaid one third cheaper than as the Assembly or General Court sets it: and 'Trust' as they and the merchant may agree for the time." Of course the prices varied with the difference in pay.

²Vanderdonck's New Netherlands. It was called by the Dutch *Sewant*.

³Vanderdonck says "the species are

black and white, but the black is worth more by one half than the white; the black is made from Conch shells which are to be taken from the sea, or which are cast ashore from the sea twice a year. They strike off the thin parts of these shells and preserve the pillars or standards which they grind smooth and even, and reduce the same according to their thickness, and drill a hole through every piece, and string the same on strings, and afterwards sell their strings of wampum in that manner; this is the only moneyed medium among the natives with which any traffic can be driven." Several of these strings, varying in number with the importance of the occasion, formed the belts of wampum made to figure so largely in conferences with the Indians. Smith [Hist. N.J. p. 76] says the white wampum was fabricated from the inside of the great conchs, and the black or purple from

Barter, as is always the case in the infancy of settlements, was the mode by which much of the traffic of the province was carried on, and sumptuary laws were passed from time to time, between 1668 and 1792, regulating the price at which various manufactures and productions of the soil should be received in payment of the public charges, or on settlement of accounts.

The following table will show the years in which material changes were made in these established prices.

	1668.	1678.	1692
Winter wheat, per bushel,	5s.	4s. 6d.	4s.
Summer wheat, "	4s. 6d.	4s.	—
Peas, "	3s. 6d.	—	—
Indian corn, "	3s.	2s. 6d.	2s. 6d.
Rye, "	4s.	3s. 6d.	—
Barley, "	4s.	3s. 6d.	—
Beef, pr. lb.	2½d.	2d.	—
Do. (1675) pr. bbl.	50s.	40s.	30s.
Pork, pr. lb.	3½d.	3d.	—
Do. (1675) pr. bbl.	70s.	60s.	50s.
Tobacco, (1675) pr. lb.	4d.	3d.	3d.

In 1675 tried tallow at 6d. per lb.; green hides at 3d. per lb.; dry hides at 6d. per lb., and good bacon at 6d. per lb.; were made receivable in payment of taxes, but, with peas, (after 1676) were no longer retained as "currency." Indeed in 1676 only wheat, peas, and tobacco, were received for the public charges. In 1677, wheat, rye, Indian-corn and tobacco, were the prescribed medium; and in 1679 and 1692, butter at 6d. per lb. was added to the articles given

the inside of the clam or muscle; from the Indian name of which last shell-fish the term *wampum* was derived. It was imported in quantities from New England; the rate at first was four and then six beads for one stiver. In 1659 the purple was fixed at eight, the white at sixteen which had previously been at twelve. In 1663 eight white or four black were equal to a stiver, and such continued to be their value after the surrender to the English. These changes had, of

course, an injurious effect upon wages and traffic. [O'Callaghan, N. Y. II. p. 543.]

In 1673 the value of the Indian money was fixed by proclamation from the Governor and Council of the New Netherlands at six white or three black (instead of eight white or four black, which had been the previous rate) to the stiver: twenty stivers make a guilder, which was equal to sixpence currency or fourpence sterling.

in the table for that year. Not until 1692 was the payment of the taxes in current silver provided for, and then it was left optional with the tax-payers; conclusive evidence that little coin was in circulation even then. The counties were expected, generally, to collect and transmit to the seat of government these products, when received for taxes, at their own expense.¹

In 1677 "ordinary keepers" were authorized to charge for strong liquors retailed by the gill, not to exceed 10s. 8d. per gallon; per quart, 2s. 6d.; good wine, was to be 7s. per gallon; cider 4d. per quart; meals, each, 8d.; oats, 9d. per peck; pasture of horse. 6d. per day, by the week in summer 1s. 6d., in winter 1s. 8d. In 1684, servants' wages were not under 2s. per day besides victuals, and at Perth Amboy, where buildings were being erected, they were 2s. 6d. At that time the currency was one-fifth more than sterling. In 1683, twenty-eight per cent is stated to be the usual profit on goods brought from England; but Samuel Groom, writing to the proprietaries, observes, "when I pay workmen and laborers, I pay them in goods rated cent-per-cent New York money; but then I must pay them two or three parts silver."²

The Act passed in April 1686, and repealed in October of the same year, regulating the value of silver, has already been noticed on a preceding page.³ It was the only attempt made by the legislators of the province to make the circulation of the precious metals dependent upon other than natural laws, and was soon abandoned.⁴

In West Jersey an Act was passed in November, 1681, "for the enhancing or raising Coins of Money to greater Rates," which provided that "*Old England* money shall advance in country pay, viz.: an *Old English Shilling* as *eighteen pence* this Province pay, and so

¹ Morden's "Geography Rectified," London, 1700, in a description of New Jersey, says: "The Town of Newark alone, in one year made ready a thousand Barrels of good Cyder out of the orchards of their own planting, and the Town of Woodbridge above five hundred Barrels of Pork, this Province affording Corn and Cattle, and other product to ship off to the Caribbe Is-

lands, &c., to supply their Neighbours who have not that plenty." N. Y. Hist. Mag. VI. p. 193.

² See Scot's Model, pp. 159, 163, 164, &c., for several other items of prices.

³ See page 151.

⁴ An attempt of the same kind was made the same year in Maryland, and in Carolina in 1683.

all Coins of current money of Old England proportionately, &c." New England money was also raised.¹

In connection with the early currency of West Jersey, one Mark Newbie and his "half pence" have obtained considerable notoriety. The first mention made of Mark Newbie (the West Jersey Records are followed as to the orthography of his name,) is in a statement made by Thomas Sharp, relating to the settlement of Newton township in Gloucester County, N. J., in which it is said that a number of families residing in Ireland, having determined to emigrate to America, "sent to Dublin to one Thomas Lurtin a friend in London, commander of a pink, who accordingly came and made an agreement with them to transport them and their families into New Jersey, viz.: *Mark Newbie and family, Thomas Thackara and family, George Goldsmith, an old man, and Thomas Sharp, a young man, but no families, &c.*" They set sail, it is supposed, from Dublin, on 19th September, 1681, and arrived at Elsingburg, Salem Co., on the 19th November, following. [Mickle's Reminiscences of old Gloucester, p. 47.] We learn from the same authority, that "immediately there was a meeting sett up and kept at the house of Mark Newbie, and in a short time it grew and increased."

Newbie seems to have taken at once a prominent position among the settlers, and we find him in May, 1682, at Burlington, as one of the representatives there met in General Assembly. [Leaming's and Spicer's Grants and Concessions, p. 442,] and in May, 1683, [ibid p. 472] he became one of the Governor's Council. Thereafter his name is not met with, as participating in the government, nor, indeed, in any published document or record, so that he may have died shortly after his arrival. The place where he lived, how-

ever, is known in Gloucester County, [Mickle, p. 48,] and the local records may contain further information respecting him.

It is well known that the early colonists suffered much inconvenience, for want of a sufficient circulating medium, and several instances are on record, of the adoption of measures to give to the imported coins a fictitious value, in order to retain them in America, and hence the passage in West Jersey of the Act mentioned in the text.

In New York, such a procedure was discountenanced by the Duke of York, [Colonial Docts. III. p. 234.] but his Secretary, when communicating this to Gov. Andross, added, "I'm told that noe law prohibitts y^e sending our brass farthings thither, if it be worth y^e while to carry y^m thither." This was in 1678, and the circumstances may have become known to Newbie before his embarkation, for we are told that he brought with him a great number [Smith's New Jersey, p. 153, says, a "parcel"] of Irish half-penny pieces, [Mickle's Gloucester, p. 48, *note*] which are understood to have been under weight, or of less value than the standard coin; probably of a similar character with the "brass farthings" referred to by the Duke of York's Secretary. The number brought by him must have been considerable, or he may, as some have conjectured, continued the manufacture of them after his arrival, [Elmer's Cumberland, p. 122,] for in May, 1682, at the session when he took his seat as a representative, the General Assembly repealed the act above referred to, for enhancing the value of coins and passed the following:

"VI. And for the more convenient Payment of small sums, BE IT ENACTED

COMMERCIAL PROJECTS.

The exertions of the proprietaries to insure their province the benefits of direct intercourse with foreign countries have been particularly noticed in the foregoing pages. From 1683, when they reminded their Deputy-Governor that care was to be taken that goods be not exported to New York or other places, but that all goods were to be "brought to Perth as the chief staple,"¹ down to the time of the surrender, they were especially concerned in obstructing the regular course of the trade of the province, which naturally tended towards the more populous towns of New York, with the view of dispensing with intermediate agencies in the transmission of its products to foreign markets. What little success attended their measures has been seen.

It is true that want of success was to some extent owing to the hostility of the province of New York, but the legislative enactments resorted to could not be otherwise than detrimental to the interests of the inhabitants; for, instead of extending bounties and other advantages to those who should engage in this foreign traffic which they so anxiously desired to establish, prohibitions were enacted, checking as a necessary consequence the production, by lessening the number of avenues of distribution or demand.

As early as 1678, when the condition of the province was so favorable for grazing that great numbers of cattle could have been

by Authority aforesaid, that *Mark Newbie's* half-pence, called *Patrick's* half-pence, shall, from and after the said Eighteenth Instant, [May, when the repeal of the previous act was to go into operation] pass for half-pence current pay of this Province, provided he, the said *Mark*, give sufficient security to the Speaker of this House, for the use of the General Assembly from time to time, being that he, the said *Mark*, his Executors and Administrators, shall and will change the half-pence for pay equivalent upon demand, and provided, also, that no Person or Persons be hereby obliged to take more than *five shillings* in one Payment." [Grants and Concessions, p. 445.]

Newbie's Mint therefore, (if he did engage in the manufacture of the half-pence,) became an incorporated institution with banking privileges. No repeal of this Act appears in the records. It became inoperative probably in 1684, when, as has been stated, Newbie disappears from the documentary history of the period. This supposition is in some measure confirmed by the passage of an act in May of that year, making "three farthings of the King's coin to go current for one Penny," in sums not exceeding five shillings. Grants and Concessions, p. 493.

¹ E. J. Records, A, p. 368.

raised at little or no expense, a law was passed prohibiting the transportation out of the province, or sale to any one not residing within it, of all hides or tanned leather; and the following year the prohibition was extended to Indian dressed skins. So in 1694, "for the better encouragement of builders of ships and other vessels" within the province,—as if the whole continent should depend upon the skill of the men of East Jersey,—the exportation of any "timber, planks, boards, oak-bolts, staves, heading, hoops, or hop-poles," was expressly forbidden, excepting to some port "over the broad seas—there to unload;" and, even to these ports, the exportation was encumbered by the requisition of bonds and the scrutiny of inspectors in all the towns. The effect of this law was necessarily hurtful. By confining the consumption of the produce of the forests to the people of the province alone, it took away from the new settlers one inducement, at least, for clearing their lands, and thus operated to retard their cultivation; and, by lessening the demand, the value of timber must have been also affected to the prejudice of the interests of the proprietaries; nevertheless it was by their approval that it became the law of the land. We have no evidence that it in the least benefited the class of persons for whom it professed to be framed, for it is doubtful if one vessel was built more than would have been without it.¹

These and other instances of mistaken policy, were, in all probability, the primary causes why, in subsequent years, as well as before the surrender of the government, the trade of the province with other portions of the continent, was so limited in extent. On the 14th

¹ There was no vessel built at Perth Amboy at all until 1702, and as that was the chief port some doubts may be entertained if any number were built elsewhere. The same system was pursued under the royal government. In 1714 the exportation of staves, &c., to the neighboring provinces was burdened with duties and regulations. These in 1717 were repealed because "prejudicial to the inhabitants," as might have been foreseen; but in 1743 they were re-enacted for fear there might "not be enough left for the necessary use of the eastern division," and continued in force until the revolution of 1776. Wheat, exported to

the other provinces, was also made subject to duty in 1714; but this was repealed in 1717. In 1725 the duties were tried again for a limited period; and acting governor Reading, as late as 1758, recommended an outward duty upon all merchandise sent to New York or Pennsylvania for exportation. As early as 1670, we find the Town of Newark prohibiting the making use of or selling any timber for pipe staves or heading excepting for the town, "under the penalty of losing all their labor for any timber so sold in the town or within four miles of the town anywhere." The cause of this is not stated.

August, 1687, the Collector of New York was directed to allow vessels bound to New Perth to proceed thither without first entering at his port,—which they had invariably been obliged to do,—provided the Government of East Jersey would allow some person appointed by the Government or Receiver-General of New York, to receive the customs.¹ This was done, and Miles Forster, who was appointed “Collector and Receiver at New Perth” on the 26th November, was directed to levy the following duties on Imports and Exports—the schedule showing what were the principal articles of trade at that time :—

ON IMPORTS.

Rum, Brandy and Distilled Spirits, ...	4d per gall.
Madeira, Fayal, St. George, Canary, Malaga, Sherry, and all sweet wines, ...	£2 per pipe.
Red, White, and Rhenish Wines, ...	£1 per hhd.
All other goods from Europe, ...	2 per cent. <i>ad. val.</i>
All other goods from other parts, ...	12 “ “

ON EXPORTS.

Beavers, . . 9d.	4 Capps, . . 9d.	10 Raccoons, . . 9d.
3 Dullings, 1s 6d.	4 Foxskins, 9d.	4 Fishers, . . 9d.
4 Cats, . . 9d.	6 Minks, . . 9d.	3 Otters, 1s 6d.
2 Bears, . . 9d.	4 Wolves, . . 9d.	24 Muskrats, 9d.
10 Martins, . . 9d.	24 Moose, . . 9d.	24 Deers, . . 9d.

All other peltry and skins equivalent to Beaver, excepting Ox, Bull and Cow hides.

On goods sold to the Indians 10 per cent. *ad val.* upon certain valuations.²

The commerce of “New Perth” appears to have been carried on these regulations for some years, until, as we have seen, the establishment of a Port of Entry in 1694 independent of New York, led to the disputes and difficulties with that province which are detailed in foregoing pages.³ In November, 1696, the independence of the port was recognized by the Commissioners of the Province in Eng-

¹ M. S. order in the possession of the author.

² E. J. Records, Vol. C, Laws, p. 125.

³ See pages 202–206.

land, by the appointment of a separate Collector in Thomas Coker, who entered upon his duties in April, 1698. He held the position, however, but a few months, being succeeded by Charles Goodman, who was sworn into office on the 15th July, and continued to discharge the duties until his death in 1701, when (April 21st) John White received the appointment under Queen Anne.

The decision in 1701 which established the rights of the Proprietors to Ports of their own, was a triumph for which they had long struggled. In 1699, when the annexation of their province to New York was under discussion, they stipulated that on paying the same or like duties as were payable in that province, goods should be imported into and exported from Perth Amboy direct, but the Lords of Trade, in answer to this reasonable request, replied that it would be "very improper for his Majesty to oblige himself to a compliance with it by any clause in the new charter."¹ In January, 1700, the Proprietaries noticed this remark of their Lordships, and replied that they were "surprised at the dubious answer received," and add, among other arguments for the measure, that "the obtaining a port to be continued for ever was their main inducement to consent to a surrender of the government, and therefore they insist that in the new charter to be granted them by his Majesty, there be an express clause inserted, whereby Perth Amboy shall be established a port for ever * * * and that such a port shall not be prescribed or taken away for any misdemeanor whatsoever, but only the persons guilty of the misdemeanor shall be accountable for it."² In August of the following year they reiterated their demand, and although they may not have had their wishes complied with fully in form, they were virtually by the instructions given to Lord Cornbury,³ and Perth Amboy from

¹Smith's N. J., pp. 560, 562. This was the more unreasonable, as the main objection to allowing the privilege of a Port to East Jersey was that as it would be a free port, it would consequently draw off the commerce of New York, and lessen the royal revenues. N. Y. Col. Docts. IV. pp. 114, 246, 296, 305, 314, 318, 380-382.

²Smith's N. J., p. 564. Whitehead's Amboy, pp. 296, 297.

³These instructions contained the following passages among others bearing on the question :

"You are therefore, in the settling of a Public Revenue as before directed, to propose to the Assembly, that such Customs, duties and other impositions be laid upon all commodities imported or exported in or out of our said province as may equal the charge that is or shall be laid upon the like commodities in our province of New York." He was to take "especial care that due entries be made in all ports in our said province"—and was "expressly authorized to order and appoint such and so many Ports, Harbors. &c., * * * as

that time to the present has enjoyed all the privileges of an independent port.¹

FISHERIES.

In connection with its commerce, the proprietaries at one time dwelt particularly in their publications and instructions upon the fisheries of the province, and it was expected that whaling would prove to be a branch of business exceedingly profitable.² Vanderdonck, in his Descriptions of the New Netherlands, says, the whales would not compare in fatness with those of Greenland, but they were numerous in the winter on the coast and in the bays, where they frequently grounded on the shoals. Seals were also seen upon the coast, and even in the harbor of Perth Amboy. De Vries, however, who engaged in the whale fishery, during one of his voyages on the coast, in 1632-3, pronounced the business an unprofitable one.

The first attempt to establish this branch of commerce on a permanent footing, was previous to the purchase by the twenty-four proprietors, but with what success is unknown. On 15th February, 1668, a commission was granted to a company in Elizabethtown, to take whales, &c., for three years, (and all other persons were prohibited from doing so,) for one twentieth part of the oil in casks, and should Staten Island fall within the province, a town for twenty-four families was to be granted the company, at some convenient site.³ In 1678, a similar commission was granted to another company, at the same place.⁴

In 1684, there were persons engaged in whaling, and the proprietaries authorized the deputy-governor to use their efforts in the province in furthering the endeavors of the fishermen, rather than have them establish themselves elsewhere; but there is no evidence that the business was prosperously conducted.⁵

These desultory gleanings might have been extended to a greater

with the advice and consent of our said Council shall be thought fit and necessary." Grants and Concessions, pp. 625, 637, 655.

¹ See N. J. Hist. Soc. Proc. X. p. 145.

² See Brief Account, &c., Note R. Scot's Model, p. 156.

³ E. J. Records, 2d Liber III. p. 22. While this grant was in force a whale was cast ashore at Navesink and delivered up to the company.

⁴ E. J. Records, 2d Liber III. p. 152.

⁵ Scot's Model, p. 181. E. J. Records, A, 364. Grants and Concessions, p. 175.

length, had the original design of the present volume embraced them. Many of the subjects introduced would otherwise have been less briefly noticed, but it is hoped that more particular inquiries may be instituted by others, and successfully prosecuted, until the past shall have imparted all its lessons of experience for our benefit.

NOTES.

NOTE A, page 14.

THE following is the whole quotation from Denton as given anonymously by Ogilby.

"If there be any terrestrial happiness to be had by any people, especially of an inferior rank, it must certainly be here. Here any one may furnish himself with land, and live rent free, yea with such a quantity of land that he may weary himself with walking over his fields of corn, and all sorts of grain, and let his stock amount to some hundreds, he need not fear their want of pasture in the Summer, or fodder in the Winter, the woods affording sufficient supply, where you have grass as high as a man's knees, nay as high as his waist, interlaced with pea vines and other weeds that cattle much delight in, as much as a man can pass through. And these woods also every mile or half mile are furnished with fresh ponds, brooks or rivers, where all sorts of cattle during the heat of the day do quench their thirst and cool themselves. These brooks and rivers being environed on each side with several sorts of trees and grape vines, arbor like interchanging places, and crossing these rivers do shade and shelter them from the scorching beams of the sun. Such as of their utmost labors can scarcely get a living, may here procure inheritances of lands and possessions, stock themselves with all sorts of cattle, enjoy the benefit of them while they live, and leave them to their children when they die. Here you need not trouble the shambles for meat, nor bakers and brewers for beer and bread, nor run to a linen draper for a supply, every one making their own linen, and a great part of their woolen cloth for their ordinary wearing. And how prodigal (if I may so say) hath nature been to furnish this country with all sorts of wild beasts and fowl, which every one hath an interest in, and may hunt at his pleasure: when besides the pleasure in hunting he may furnish his house with excellent fat venison, turkeys, geese, heath-hens, cranes, swans, ducks, pigeons and the like; and wearied with that, he may go a fishing,

where the rivers are so furnished that he may supply himself with fish before he can leave off the recreation. Here one may travel by land upon the same continent hundreds of miles, and pass through towns and villages, and never hear the least complaint for want, nor hear any ask him for a farthing. Here one may lodge in the fields and woods, travel from one end of the country to another, with as much security as if he were lock'd within his own chamber; and if one chance to meet with an Indian-town, they shall give him the best entertainment they have, and upon his desire direct him on his way. But that which adds happiness to all the rest, is the healthfulness of the place, where many people in 20 years time never know what sickness is: where they look upon it as a great mortality if two or three die out of a town in a year's time. Besides the sweetness of the air, the country itself sends forth such a fragrant smell, that it may be perceived at sea before they can make the land. No evil fog or vapor doth any sooner appear, but a north-west or westerly wind immediately dissolves it and drives it away. Moreover, you shall scarce see a house but the south side is begirt with hives of bees, which increase after an incredible manner. So that if there be any terrestrial Canaan, 'tis surely here, where the land floweth with milk and honey."

Vanderdonck¹ mentions Chestnuts; and says, "they would be plentier if it were not for the Indians, who destroy the trees by stripping off the bark for covering for their houses. They and the Netherlanders also, cut down the trees also in the chestnut season, and cut off the limbs to gather the nuts, which also lessens the trees." He enumerates among the native productions, persimmons, mulberries, wild-cherries, and crabs—"the mulberries," he says, "are better and sweeter then ours, and ripen earlier:" several kinds of plumbs, hazel-nuts, black currants, gooseberries, blue Indian-figs, strawberries, "in abundance all over the country," blackberries and raspberries. The English first brought over quinces. The Dutch introduced orchard-cherries, Spanish cherries, peaches, "mereco-tons," apricots, several sorts of best plums, almonds, cornelian cherries, figs, several sorts of currants, gooseberries, &c. "The land," he states, "is full of many kinds of grapes," and the description he gives of the luxuriance of the vines is quite touching—"it is

¹ N. Y. Hist. Col. 2d series, Vol. 1.

a pitiful sight to see the grape vines run up the trees, over the bushes, and hidden among the woods neglected, untrimmed and uncultivated." He also mentions the "bush-burning" alluded to in the foregoing extract from Denton, and says it "presents a grand and sublime appearance." It facilitated the growth of new vegetation, enabled the hunter to track his game more readily, and by thinning out the woods and destroying the dry branches, enabled him to move with greater celerity and with less fear of discovery by the animals which he might be pursuing.

This continued to be the custom for many years in different parts of East Jersey. In Newark it was usual to appoint two of their most respectable citizens, annually, to superintend the process; and in 1673, some day in May was to be selected, when "every male from sixty to sixteen, shall go out to burn woods;" and a fine was imposed upon any one firing the meadows purposely or accidentally, previous to the tenth of March in each year.

NOTE B, pages 24 and 46.

THE following is a literal copy (excepting some corrections in orthography and punctuation), from the Albany Records, Vol. XXI. p. 401, as translated by Vanderkemp.

"1663. Voyage to Newesing¹ made in the Company's yacht,² with what happened during it; being on said yacht Mr. Grieges, Govert Lockermans, Jacques Corteljon, Peter Zevel, with ten soldiers, two sailors, and the Sachem, with a savage of Staten Island.

6 Dec. We sailed from the Mannhattans about 3 o'clock, and arrived about evening at six at Staten Island, where the Sachem of said Island, with the savages, went on shore. They remained there about an hour, and then returned. Hoisting again our sail, we sailed through the Kil Van Kol, arrived at the back of Shutters Island upon undeeep water, cast our anchor, and remained there till the next ebb.

7 do. We raised our anchor again about three in the morning, rowed down with the ebb the kil behind Staten Island. Somewhat later in the morning hoisted our sail and laveered³ so long till the ebb was past, when we again cast our anchor. The flood being

¹ "Newesing," Newasons, or Navesink. ² "A small yacht of 6 or 7 tons

³ "Laveered," tacked.

burthen." N. Y. Col. Docs. p. 397.

gone about two o'clock in the afternoon, we raised the anchor and lavedered again. We discovered a sail toward evening, which we approached in the evening, and spoke to it; as it was Peter Lowrensen with a small sloop in which was Jacob Cowenhoven; they said they went out to barter venison. We both lavedered together with our yachts that same evening towards the end of Staten Island, and cast there our anchors just opposite the Raritans Kil, where we did see two houses with southern savages: said Cowenhoven informed us that the English in an open sloop, being nineteen strong, sailed the day before up the Raritan river, where the savages of the Newesing¹ and Raritans were collected together about three miles on the kil. The savages communicated the same. We remained that night before the Raritans Kil to sail it up the next morning to follow the English, but as during the night there was a very severe gale from the northwest we were compelled to remain there that night.

8 do. The wind continued to blow very severely from the northwest, so that we could not proceed on the Raritans Kil, and were compelled to stay there that day. We resolved then to dispatch the savage Hans by land to the savages of Newesing, who were assembled about three miles in the country on the Raritans Kil; which was directly effected with sending him off immediately with verbal orders, as that he should warn the Sachems of the Newesings and Raritans, that we were laying with the yacht before the kil, and that we wished that they would come hither to us, to speak with them; and command further Hans to tell the Sachems, if there arrived some English, or were actually among them, with a view to purchase some land from them, that they should not sell it to the English, as they had not even asked it of the Dutch Sachems on the Manhattans, and came thither in silence: and if the Sachems on the Newesings wished to sell some land, that they then should come to us, then we would speak together: on which, Hans with the rising sun directly departed to communicate it to the savages, while we remained before the Kil.

9 do. We saw in the morning about 9 o'clock the English vessel coming down, on which we directly raised the anchor and sailed towards it; so as we did, arriving near her, we asked them from where they came; on which the skipper, Stoffel Elsworth, answered

¹ Afterwards more properly called *Menesings*.

'from the Kil;' asked what he had done there; answered, 'he brought the English thither.' We told him this was unbecoming, it was against our Government to act in this manner, and that he should answer for it; on which William Geldor cried out, "It is well—it is well." In the vessel were Charles Morgan, John Bon, James Holbert, John Totman, Sam Spyser, Thomas Wytlock, Sergeant Gybbings, from the first bay a man, named Kreupels-bos, one of Flushing, two from Jamaica, and a few more whom we knew not, to twenty in number. On the same day in the afternoon, returned about three, Hans the savage, whom we had dispatched on the eighth towards the Menesing Sachems who encamped it a considerable distance from the Raritan Kil; and Hans the savage conducted to us six or seven savages, who informed us, that the English, before Hans the savage came to them, had arrived there, and presented the savages with some wine, and two fathoms black seewant¹ and one white, after which they had asked them if they would sell to them some land; in the mean time [came] Hans the savage, when the whole was at an end, so that the English departed.

10 do. We departed again from the Raritan Kil, accompanied by two savages who were acquainted with the lands of the Menesings: we went down the bay, arrived at the kil which enters between Rensselaer's pier and the said point; met there again Stoffel Elsworth in his little sloop, and all the English sitting on shore near the kil; we went with our boat on shore, and went towards them along the strand; when we approached them we did see every one standing in arms. When the Sheriff Charles Morgan and John Bon advanced toward us, I asked them what was their business there, they answered, they went trading; we replied, if they went to trade, why then they had such a strong force with them? They said the savages were villians and could not be trusted, and therefore they went in such numbers; we told them, that we were informed they came to purchase lands from the savages, they answered, 'we went only thither to see the land.' We again told them that they ought not to undertake to purchase any land of the savages, as the largest part of it was already purchased by the Dutch. John Bon then asked me, under what government I presumed that they resided. I answered that they lived under that of the States General, and under that of

¹ "Seewant," wampum.

the director General and Council here ; to which he replied, why then are we not as well permitted to trade and explore land as ye ? I answered him again, that they ought not to undertake to purchase any land from the savages, except that they previously obtained the consent of the Director General and Council ; to which John Bon replied 'it shall be well : ' then said Stoffel Elsworth, 'I told them already the same, that they should not do it.' Govert Lockermans told them then, 'ye are a party of traitors as ye act against the government of the state : ' they said the king's patent was quite of another cast. Lockermans asked 'from where have ye your pass ? ' they answered 'from the Manhattans.' Lockermans retorted, 'why do you act then against the state ? ' to which Charles Morgan answered, 'sek noty bey affet.' The English had their savage with them, who was of the Menesings, and had share in the murder of Mispeth's Kil, as our savage had informed us, whom we had taken with us in our sloop and carried hither, and his name was Quikems, living on the Newesing Kil, on the land called Townsing. We left then the English along shore and entered the kil about four miles along the west wall where the country was very mountainous ; and the opposite side, as the savages informed us, was very poor, and some good land, old maize fields, and yet some plantations which I before explored with Corteljon : then we crossed the hilly parts about nine miles, and perceived by a sign on board, that Stoffel with his sloop and English had entered the kil. We remained before it during the night.

11 do. The wind being S. W. we resolved to sail again towards the Manhattans, so as we did."

NOTE C., pages 42 and 79.

THE following is a fragment of a letter from Col. Nicolls, to the Duke of York. [N. Y. Col. Docts. III. p. 105.] It is without date, but was evidently written the latter part of 1664 or early in 1665.

"I must now descend to the particular occasion of giving Your

¹ "These words of Morgan I do not understand, and cannot interpret." TRANSLATOR.

R^l H^s this trouble, wherein my L^d Berkely and Sir G. Carterett are concern'd; who, (I know also,) will be so just to mee as to have mee excused for manifesting clearly my knowledge to your R^l H^s.

"About ten daies past, Cap: Bollen shews mee a letter from my L^d Berkeley and Sir George Carterett, and therewith a grant from your R^l H^s to them for all the lands to the West of Hudson's River, as more fully may appeare in the said graunt: wherein is comprehended all the improvable part of your R^l H^s his patent, and capable to receive twenty times more people than Long Island; and all the remaining Tracts, in respect not only to the quantity of the Land, but to the sea Coast and Delaware River, the fertility of the soile, the neighbourhood, to Hudsons River, and lastly, the faire hopes of Rich mines, to the utter discouragement of any that shall desire to live under Your R^l H^s his protection. In short, I hold myself oblig'd to give Your R^l H^s this account upon certain knowledge, having exactly considered and preferred the advance of Your R^l H^s his reputation and interest in those parts above all considerations or obligations whatsoever, and for my boldness, I can at last but bege pardon. Neither can I suppose that My Lord Berkelev or Sir G. Carterett know how prejudiciall such a graunt would proove to Your R^l H^s, but must charge it upon Cap^t Scott, who was borne to worke mischief, as far as hee is credited or his parts serve him.¹ This Scot, it seems, aimed at the same patent which Your R^l H^s hath, and has since given words out that he had injury done him by Your R^l H^s whereupon he contriv'd and betray'd my L^d Berkeley and Sir G. Carterett into a designe (contrary to their knowledge) of ruining all the hopes of increase in this Your R^l H^s his territory, which hee hath fully compleated, unless Your R^l H^s take farther order herein. Upon this tract of land several new purchases are made from the Indians since my coming, and three Townes beginning; I gave it the name of Albania, lying to the west of Hudson's River, and to

¹ For a notice of this man see Thompson's History of Long Island, 2d Edit. 2d Vol. p. 320. "He was a man of shrewdness, but base and unprincipled professing to be the rightful owner of numerous tracts of land in various parts, under purchases from the Indians, and in various other ways he

found persons sufficiently credulous to become purchasers," &c. He resided on Long Island, and being driven from there subsequently lived in New England. Other references will be found in O'Callaghan. Brodhead. N. Y. Col. Docts. II, pp. 231, 253, 374, 396, 401, 507, etc.

Long Island the name of Yorkesh^r, and to this place the name of New Yorke, to comprehend all the titles of Your Rⁱ H^a.

"Farre be it from me to aggravate any thing beyond the bounds of a faithfull servant; for, when it may conduce most to Your Rⁱ H^a his service, I shall as freely surrender up all parts to Your Rⁱ H^a his pleasure as it becomes mee to doe. I presume farther to propose a better and more entire tract of Land, worthy of great consideration, to My L^d Berkeley and Sir G. Carterett, which is that part of Delaware which is reduc'd from the Dutch, if it is not already dispos'd; if soe, then that my L^d B. & Sir G. C. may have a hundred thousand acres along the sea coast, which is a most noble Tract of land, but it will cost them 20,000 lb. before it will yield a penny, and their children's children may reap the profit."

Under date of July 30th, 1665, he wrote thus to the Earl of Clarendon [Clarendon Papers, N. Y. Hist. Soc. Coll. pp. 75, 115, 120]: "The late Indenture made to my L^d Berkley and Sir George Carterett is to the manifest destruction of the Dukes Collony, for my lord, the very name of the Dukes power heere, hath bine one great motive for weell affected men to Remove hither out of other Collonies * * * but good land is none of the least Arguments to a Planter which was then to be found in the Dukes Pattent, but now is wholly given away," and refers to the subject again in a letter of April 7th, 1666, at greater length, commenting upon the effect the grant would have upon the customs of the province and its relations with the Indians.

Again, under date of April 9th, 1666, Colonel Nicolls thus wrote to Lord Arlington [N. Y. Col. Docts. Vol. III. p. 113]:

"My humble conception & certaine knowledge directs me to informe Yo^r Lo^p, that by the unskillfullnesse of the informers, the west side of Delaware River, now seated with Sweeds, Finns and Dutch, is crush'd between the Lord Baltimore's Patent on ye West side, and the Lord Berkeley's indenture on the East, that the present inhabitants cannot possibly subsist in so narrow a compass." He, therefore, calls upon them to rectify these mistakes, and advises that twenty miles on each side of the River Delaware, which had been taken from the Dutch, should be given to Lord Berkley and Sir George Carteret, instead of the lands granted them; and subsequently, more than once recurred to the subject of their reacquirement.

NOTE D., page 45.

MR. BANCROFT in the earlier editions of the second Volume of his history of the United States [p. 316] says—"A few families of Quakers had found a refuge in New Jersey before the end of 1664 : more than a year earlier, (March 26th, 1663,) New England Puritans, sojourners on Long Island, solicited and obtained leave to establish themselves and their cherished institutions on the Raritan"—and he quotes Albany Records, IV. p. 415.

In a notice of this passage in the Newark Daily Advertiser of March 12th, 1840, the identification of these applicants for an establishment on the Raritan, with the actual settlers at Elizabethtown, was attempted, (the question possessing some interest in determining the progress of colonization,) and an opinion expressed that the permission could not have been granted by the Dutch authorities, or, if granted, that the settlement was not made.

Subsequent editions of Mr. Bancroft's work have the passage modified as follows:—"Before the end of 1664, a few families of Quakers appear also to have found a refuge *south of Raritan Bay.*" [Neither the place nor the authority is given.] "More than a year earlier, New England Puritans, sojourners on Long Island, solicited of the Dutch, and, as the records prove, obtained leave to establish, on the banks of the Raritan and the Minisink, their cherished institutions, and even their criminal jurisprudence."—p. 317. This reference to "the Records" seems to discredit the testimony of the settlers themselves—for they say in their subsequent applications that they "were obstructed by the then ruling Dutch."

The writer regrets that he is obliged to differ from one whose historical researches have earned for him so much of renown, but the document referred to by Mr. Bancroft cannot, he conceives, be offered in corroboration of his views. It is a dispatch from the Directors of the West India Company, dated, Amsterdam, 26th March, 1663, and reads as follows:—"Thus far we paid our attention to the two letters signed by the Director and Counsellors. The next which claims it, is that of the Director Stuyvesant in particular, in which we observe *a petition of some English neighbors, who desired to establish themselves in considerable numbers within the limits of the company's jurisdiction behind Staten Island about the Raritan River, and did see from*

the annexed documents your Hon's opinion about it, to which we then make no objection, especially so as this settlement might serve as a bulwark to our nation against the savages on the Raritan and Minisink, wherefore it should have been gratifying to us that this proposal had been carried into effect, in which efforts we hope that your Honour shall continue. If we are not mistaken, then the principal obstacle which retarded its progress, was the appeal in criminal cases and capital crimes of whoredom, adultery and similar offences, which they punish according to the law and the expressed word of God, against which maxim, although the laws of our Fatherland use some connivance in this respect, we make no objection, but could not willingly transfer to them the absolute disposal of all criminal cases whatever, without appeal. Nevertheless, if the admission and settlement of this nation on that spot is considered so all important to ours, we could permit, to facilitate this negociation, that no appeals to us should take place in all such crimes in which the process of the crime is instituted upon a voluntary confession, in which could not be consented in all other cases of a dubious nature, as your honour must apprehend; besides further, that their laws, in punishing all similar crimes against the maxims of our Fatherland should only be put in practice against their own countrymen, and not against such of our nation who might settle amongst them. Your Honour must not give up this point, as long as it is tenable—it is of too high importance—provided if the object in view is not obtainable without this sacrifice, then your Honour is authorized to treat with the English on such terms as in your opinion are best adapted to promote the welfare of our State and its subjects.” [Albany Records, IV. 415.]

Now here we have an application to the “then ruling Dutch, obstructed” by obstacles suggested by Governor Suyvesant, and which he specifies in his “opinion,” forwarded to the Directors in Holland. This circumstance alone certainly identifies the Elizabethtown company with the applicants referred to; and the fact of their renewing their application to Nicolls, is proof that nothing definite in the shape of “permission” was ever obtained. But this is not all the testimony bearing upon the subject. In Volume XIX of the same Records [pp. 409 to 421] we have information of a petition for land from the English in Connecticut, (Robert Treat being among them—afterwards a Newark name,) and the action of the Council thereon in November, 1661. No particular location is mentioned, and noth-

ing specific seems to have been determined on. In Volume XX [pp. 73 to 77] the matter is again on record as under consideration from March to May, 1662. Forms of oaths were prescribed for the settlers, and other stipulations made by the Council, but there were difficulties in the way of a full completion of any arrangement. What those difficulties were, the foregoing dispatch informs us; *for it is at this stage of the negociation it comes in* to prove that up to March 1663, no agreement had yet been perfected; and in Volume XXI, [pages 231 to 237,] is a record of a renewal of the negotiations in June 1663; but there is nothing to show that any actual permission was given—that the terms prescribed were acceded to—or that a settlement was made while the country continued under the domination of the Dutch.—[See Denton's New York. Reprint of Penn. Hist. Soc., pp. 12, 13, and Whitehead's Newark Bicentennial Address, *Notes*.]

NOTE E, pages 45, 47 and 49.

THE SETTLEMENT OF ELIZABETHTOWN.

THE correctness of the views expressed in the first edition of this work, relating to the conflict between the Proprietors and some of the settlers, particularly at Elizabethtown, were contested in the elaborate History of Elizabeth and Union County by the Rev. Edwin F. Hatfield, D.D., published in 1868. The author, considering it due to the Historical Society to correct any erroneous expressions the volume may have conveyed, having carefully reviewed the grounds upon which he had based those views, read a paper before the Society on 20th May, 1869, embodying his reasons for continuing to hold unchanged his original position. It is thought proper from the important bearing the subject had upon the course of events in the province for many years to insert here a portion of that paper.

“ * * * To understand aright the events of any historical period—to appreciate fully the relations existing between the Governors and the governed and their respective rights and obligations, it is certainly advisable to realize as clearly as possible the peculiarities of the time, as developed in the prevailing principles of law and government and the social condition of the people. The more per-

fect that realization, the more readily will the true position of affairs be perceived. These would seem to be axioms scarcely needed to be stated, but to a disregard of them may be mainly attributed the different opinions that have been entertained respecting the circumstances we are considering. To canvass the acts of individuals or nations in 1664, by the light which more than two hundred years of human progress has thrown upon intricate questions of moral and social science, is as judicious, as will be the attempt of the historian two hundred years hence, to reconcile the state of things which we may safely conclude will then have resulted from progressive civilization, with that existing not long since throughout a large portion of our country, from the legal slavery that then prevailed. But such has been the course of writers upon this subject. The doings of the seventeenth century have been judged by the maxims of the nineteenth.

"It is a fundamental principal of English Law," says Kent,¹ 'derived from the maxims of the feudal tenures, that the King was the original proprietor, or Lord paramount of all the land in the kingdom, and the true and only source of title,' and not only England, but all the European nations that established colonies in America, acting upon this principle, in conjunction with the dogma that discovery conferred the right to govern, assumed the position that every government within the limits of its discoveries reserved to itself the exclusive right to grant a title to the soil, subject only to the Indian's 'right of occupancy;' and all persons were precluded from acquiring even that right from the natives, except by permission first obtained from its recognized agents or authorities.² Even at the present day and in our own land 'the presumption is,' says Judge Kent, 'that the Indians are to be considered merely as occupants' * * and * * deemed "incapable of transferring the absolute title to any other than the Sovereign of the country."

Such being the principles of law—such being the modes of procedure recognized as sound and universally prevalent in 1664, what was the course pursued under them by the emigrants from Long Island? Did they conform to them? They did. Not for a moment did they question the supreme authority of the grantee of the Crown over the land they desired to possess, but addressed their

¹ Commentaries, I, pp. 376, 377.

² Kent I, pp. 257, 379. Story pp. 6, 7.

"humble petition" to his representative to be allowed to purchase the Indian title thereto; and having obtained it, instead of being satisfied therewith, sitting down each "under his vine and under his fig tree, with none to make him afraid," they acknowledged the yet defectiveness of their title, and the necessity for further and ampler powers than were conferred by the acquisition of the Indian's simple right of occupancy, by their application for a confirmation of their purchase, and by their submission to the conditions upon which alone they might fully enjoy the privileges they sought. And what were those conditions? The Patent very clearly specified them as consisting in "rendering and paying yearly unto his Royal Highness the Duke of York, OR HIS ASSIGNS for ever, a certain Rent, according to the customary rate of the country for new plantations, and *doing and performing such acts and things as shall be appointed by his Royal Highness OR HIS DEPUTY.*"

"It was very soon contended on strictly legal grounds that, the acts of Nicolls affecting New Jersey, being subsequent to the transfer to Berkley and Carteret, were null and void, and the specified question some years later¹ being submitted to eight distinguished lawyers (among them being Holt, afterward Chief Justice, William Williams, afterward Solicitor General, John Hollis, and one of the Pollixfens) "whether the grants made by Col. Nicolls, are good against the assignees of Lord Berkley and Sir George Carteret," they give it as their opinion that the "authority by which Col. Nicolls acted, determined by the Duke's Grant to the Lord Berkley and Sir George Carteret, and all grants made by him afterwards (tho' according to the Commission) are void; for the delegated Power which Col. Nicolls had, of making Grants of the Lands, could last no longer than his Master's Interest, who gave him that power; and the having or not having Notice of the Duke's Grant to the Lord Berkley and Sir George Carteret, makes no difference in the Law, but the want of Notice makes it great equity, that the present Proprietors *should confirm such Grants to the people who will submit to the Concessions and Payment of the present Proprietors common Quit Rents*; otherwise they may look upon them as Dis-seisors, and treat them as such."² Now this *equitable* right was always acknowl-

¹ A copy in the N. Y. Hist. Soc. Library, Boundary Papers, Vol. 1, gives 1680 as the date.

² Elizabethtown Bill. p. 41.

edged. No attempt was ever made to *set aside* the Indian grant of occupancy. It was ever alluded to by Carteret as a "lawful purchase," but that by no means interfered with the right of the Proprietors to the stipulated customary rent referred to in the legal opinion just cited. or to the observance of such regulations as might be prescribed by those to whom the powers of the Duke of York were delegated.

"It was certainly the intention of the Duke of York to place Berkeley and Carteret in possession of the tract conveyed by him untrammelled by any restrictions or incumbrances whatever, "in as full and ample a manner" as he had received it from the King, and so, by confirmation after confirmation was the fact sought to be established that they were, using the language of Charles himself, "absolute Proprietors" of the province.¹ But, notwithstanding that this appears to be so definitely affirmed, I conceive that it is not necessary to establish the invalidity of Nicolls' grants in order to prove the erroneous position taken (not at first, but subsequently) by those claiming through him. Allowing his authority to be unquestionable, what were the conditions of his Patent?

"In the first place "the customary rate of the country" was to be paid yearly to the Duke "or his assigns." Is there any doubt as to who were "his assigns" in New Jersey? Is there any allegation that the "half-penny per acre" prescribed as the rent by those "assigns" exceeded the customary rate? I have not met with any such.² And what were the "acts and things to be done and performed" according to the appointment of the Duke "or his deputy," but those prescribed in the Concessions? No rent was ever paid to the Duke personally, no requisition from him, as to "acts and things to be done and performed" was ever received or heeded, the parties therefore, to whom both obligations were due, were beyond question Berkeley and Carteret, who were clothed with all the rights and authority the Duke himself possessed; and so the Duke asserted

¹ Grants and Concessions, pp. 31, 39, &c.

² The fact is, there was no one customary rate. Some of Nicolls' patents call for "a Lamb," or "a Barrel of Cod Fish" [Bill 15], and some were free; but we find "bushels of Winter wheat" for tracts of 80 acres, which at 5s. a

bushel was equal to three-fourths of a penny per acre. In Dongan's time the early patents were "called in," and new ones issued at higher rates [N. Y. Col. Docs. III., p. 401, 402] and in 1688 Andros was limited to 2s. 6d. per 100 acres, which was more than $\frac{1}{4}$ d. per acre. N. Y. Col. Docs. IV., p. 302.

when, in reference to those who subsequently set up the claims of the Jamaica emigrants, he wrote to his Governor of New York; "I would have you take notice yourself, and when occasion offers, make known to the said persons and to all others, if any be pretending from them, that my instruction is not at all to countenance their said pretensions nor any other of that kind, tending to derogate in the least from my grant above mentioned to the said John Lord Berkley, and Sir George Carteret, their heirs and assigns."¹

"The attempts made to prove that Elizabethtown was not settled under the provisions established by Berkley and Carteret, have necessarily led to the adoption of the theory that it is *probable* possession was taken of the tract, formally, between the date of the purchase from the Indians, and the date of Gov. Nicolls' confirmation, that is,—between the 28th October and the 1st December, 1664, —*because* the "four hundred fathoms of white wampum" which constituted part of the consideration to the Indians, and which was to be paid after "a year's expiration from the day of entry upon the said lands," was acknowledged to have been received in full on the 24th November, 1665, it *not* being *probable*, that the time of payment was anticipated.² Now both these affirmative and negative probabilities seem to be rendered considerably less striking by the fact that a receipt, appended to the deed itself, shows that payment of one fourth of the quantity of wampum was made as early as August 8th, 1665, and if the convenience or interests of the parties caused them thus to anticipate the payment of one fourth, why should not the payment of the other three-fourths have been anticipated also? Is it not *more* probable that the arrival of Philip Carteret and his company, facilitated the payment, by placing at once at the disposal of the purchasers the means of meeting their engagements,³ than that any attempt at settlement should have been made in November, when the proximity of winter must have prevented any improvements? The actual settlement was probably commenced in the Spring of 1665, so that the assertion made in 1746,⁴ that there were not more than four families on the ground ("if so many") when Carteret arrived early in August, must be regarded as the closest approximation to the truth now attainable. No evidence to the contrary has yet been discovered,

¹ Grants and Concessions, p. 32.

² See affidavit of Edward Sackville.

³ Answer to Bill, pp. 7, 8. Hatfield's referred to on a subsequent page.

⁴ Elizabethtown Bill, pp. 28, 66.

while the assertion is based upon actual affidavits made seventy years previous, by three apparently disinterested individuals, personally cognizant of the matters of which they affirmed. As these affidavits have never been printed in full, it is well to introduce one of them here, as the importance of its revelations cannot be questioned.¹

" 'SILVESTRE SALISBURY of New Yorke Gent. maketh oath that in or about the yeare 1665, he being then at New Yorke, there arrived Philip Carteret Esq^r at New Jersey in America in a Ship called the Philip w^{ch} s^d ship was 100 tuns & had then aboard her about 30 servants & severall goods of great value, proper for the first planting and settling of the Colony of New Jersey & this deponent sayeth that at the time of y^e arrivall of the s^d ship there were about four families in New Jersey (except some few at New Sinks that went under the nomen of Quakers) and that y^e s^d Philip Carteret after his arrivall there landed y^e s^d servants and goods & applied himselfe to y^e planting and peopling of y^e s^d Colony & that he sent diverse persons into New England & other places to publish y^e Concessions of y^e L^{ds} Propriet^{rs} and to invite people to come & settle there, whereupon & within a yeares time or thereabouts severall p^{rs}ons did come wth their families and settled there in severall townes: And this Deponent sayth that he believes there would few or none have come thither if the s^d Philip Carteret had not settled himself as afores^d & brought such goods & sent such Messengers as afores^d. And this Deponent sayeth that y^e s^d ship remained there about six months, & then went to Virginia, England & other places & about a yeare or more after returned to New Jersey where she remained for severall months: And this Deponent sayth that the s^d Philip Carteret at his arrival did declare & owne that the s^d ship servants & goods,

¹ The originals of these interesting documents are in the first volume of the New York and New Jersey Boundary Papers in the New York Historical Society Library, with which papers, however, they have no apparent connection. They were among the papers of James Alexander, and are in company with a letter from him to Edward Antill, of New Jersey, making enquiries respecting the deponent. The affidavits are only briefly referred to in the Elizabethtown Bill, [page 28] owing

probably to the difficulty encountered in legally establishing their authenticity, of which, however, there seems no ground for doubt. It is probable they originally had some reference to establishing the fact of the settlement, prior to the re-conquest of the country by the Dutch in 1673, with the view to its repossession on its restoration to the English, under the treaty between Charles II and the States General, Feb. 1674. See Bill in Chancery, p. 7.

did belong to the R^t Hon^{ble} S^r George Carteret & were sent by him for the beginning and encouragem^t of the peopling and planting of the s^d country ; And farther sayeth that the s^d S^r George Carteret did send severall other Vessels thither particularly a Ketch whereof Peter Bennet was master anno 1673 laden wth wines and severall other English goods.

" SILVESTRE SALISBURY.'"

" " Jurad 4^o die feeb. 1675 coram

" " me en Cancellar Magester.

"JO. COTT.'"

" Captain Silvestre Salisbury was an Englishman by birth, and possessor of lands on Hudson River. He was sent to England in 1675 by Governor Andros, to give information to his royal Master respecting various matters affecting the interest of his province of New York, especially the desirableness of Connecticut, and shortly after making this affidavit returned to America and is thought to have been subsequently in command of the fort at Albany.¹ Another affidavit similar in all respects to that of Salisbury's, was made at the same time by "Peter Smith, Gent, of New York," who is thought to have been a Roman Catholic Priest, and subsequently chaplain to Governor Dongan.² The third affidavit³ is by "Edward Sackville of Westminster, Gent.," sworn to before Wm. Beversham, Feb. 24th, 1675-6, and is similar to the two others, excepting that, instead of the closing paragraphs in them referring to the ownership of the "Philip" and cargo, and to the despatch of other vessels to the province by Sir George Carteret, there appears this important item of testimony,

" " And [the deponent] further sayeth that to his certain knowledge the s^d Philip Carteret did pay unto the Indians in goods to a considerable value that they might enjoy their land quietly, otherwise they could not have inhabited the same.' "

" We have here then positive evidence of a fact, in accordance with what would otherwise have seemed the most probable explanation of the prompt payment of the stipulated consideration to the Indians. For it does not appear that the contemplated settlement had assumed such bright colors in the distance, as to render the acquisition of an

¹ Letter of Edward Antill in Boundary Papers, Hist. Soc. Library.—N. Y. Col. Docs. II. p. 739. III. pp. 234-236, 238, 415.

² Letter of Edward Antill.

³ It is endorsed on the back "A writing of great concernment."

interest therein to be sought with great avidity, there being clear proof that some were found who, after contributing towards the Indian purchase fund "disliking ye place upon a view off it," had their advances refunded to them.¹ Some collateral evidence is also offered of the few actually interested in the settlement, until after the arrival of Carteret, in the very document referred to as conveying to them their title. The applicants to Nicolls for permission to purchase, as already stated, were six in number, *John Bailey, Daniel Denton, Thomas Benneydick, Nathaniel Denton, John Foster, and Luke Watson*, but the deed from the Indians was only to Bailey, Daniel Denton, and Luke Watson, for although the words "and their associates" were added, it is very doubtful, from several circumstances, whether they had as yet any so identified with them, as to render their co-operation certain. When, in little more than a month later, the purchase was confirmed by Gov. Nicolls, it was to Capt. John Baker—who probably for his services as Interpreter, was allowed to participate in its benefits without any contribution towards the purchase; John Ogden—then expecting to become intimately connected with the enterprise, and who shortly afterwards purchased the interest of the Dentons; John Bailey, and Luke Watson: and the presumption is, that at the time when the final payment was made to the Indians (Nov. 24th, 1665), Carteret, by the purchase of Bailey's interest, that very day, and by contributions in behalf of the proprietors,—Ogden, by the purchase of the interest of the Dentons,—and Luke Watson, were the only parties having anything at stake pecuniarily.² Hence the reasonable explanation, why, when the transfer of the Indian title to one moiety of the purchase (which will presently be noticed) was made to Daniel Pierce and his associates, the deed was signed only by Carteret, Ogden and Watson, as the only parties interested in that title.

"That the denial of the Proprietor's rights to the soil was an after thought, would seem to be susceptible of proof from several well established facts, only two or three of which I will mention in this paper.

"Governor Carteret, immediately on his arrival, as we have seen,

¹ Albany Documents, XXXII, p. 118.

² Unless we except two individuals, Ambrose and Josiah Sutton, who subsequently complained that they never "had any consideration in land or any

other way," for the sums they had advanced, they not having become residents. Albany Documents, XXXII. p. 118.

dispatched special agents to "New England, and other places," to publish the terms of the "Concessions" and to invite emigration to New Jersey.¹

"It is well known that the settlement of Newark was the consequence of this publication and invitation, and it is entirely in accordance with probability, as well as with the asserted claims of the proprietors, that the lands located subsequently, if located legally, were so located under the "Concessions," and to sustain this position I would refer first to the circumstances leading to the settlement of Woodbridge and Piscataway.

"It will be remembered that the deed from the Indians was to Bailey, Denton and Watson and their associates. But as we have seen, neither Bailey nor Denton felt sufficiently assured of the success of the undertaking in which they had embarked, and before 1666 the rights of Bailey had been assigned to Philip Carteret, and those of Denton to John Ogden. Baker, the other grantee named, not having become a resident, Carteret, Ogden and Watson were in 1666, as has been shown, the holders of the title under the original purchase. Now it is very significant of the views which then prevailed that, when, in consequence of the invitation they had received, in common with the residents of "other places," Daniel Pierce, John Pike and Andrew Tappan, of Newbury, Massachusetts, presented themselves in New Jersey and fixed upon the southern portion of the Elizabethtown tract as a desirable location for one or more towns, Philip Carteret as "Governor of the Province" of New Jersey, in the behalf of the Lords Proprietors" should on the 21st May, 1666, have entered into an agreement with them, to which John Ogden was a witness, wherein are these two pregnant passages.

"They shall have the liberty within themselves to lay out every man's proportion of land according to their judgment and discretion, not exceeding the proportion limited in the *Lords Proprietors' Concessions*."

"For the *half-penny per acre per annum, due to the Lords Proprietors*, the payment is to begin the 25th of March, 1670; and that every man shall pay yearly in the Country pay for no more Land than what is *appropriated to him by patent*; provided, that every per-

¹ Is it "probable" that Long Island settlers thence came not in accordance with this invitation? was not among the places to which these persons were sent, or that the

son shall patent so much land in proportion, *as is specified in the Concessions*, or according to their estates; and that all lands so patented, shall be *surveyed* and bounded by the Surveyor General or his deputy," &c.¹

"Could any thing more emphatically set forth what were thought to be the rights and privileges of settlers *within the Elizabethtown tract*, after the publication of the "Concessions," than this document? If it had not been considered a correct exposition of those rights and privileges, how happens it that no exceptions were ever taken to its terms? If still recognized as paramount, why was Nicolls' Patent entirely ignored—not even alluded to.

"Having thus conformed to the established mode of procedure in acquiring their lands, and recognized the supreme authority of the Lords Proprietors, in order that there might be no question as to the extent of their domain and its freedom from all Indian rights of occupancy, a Deed was executed Dec. 11th of the same year: "Between Capt. Philip Carteret, Esq., Governor of the Province of New Jersey, John Ogden, Esq., and Luke Watson, of Elizabethtown, in the 4^d Province of the one part, and Daniel Pierce of Newbury and his associates, of the other part," conveying "the one moiety or half part of a certain tract of land situate lying and being," &c., (following the Elizabethtown purchase deed) "which said tract of land was lawfully purchased from the natives or Indians, by John Bayley, Daniel Denton and the said Luke Watson," &c., * * —not a word said, be it observed, of its "confirmation," by Nicolls—"to hold the one moiety or half of the said purchase, &c., equal with the other moiety belonging to Elizabethtown aforesaid, with all and singular rights, titles, interest and conveyances (conveniences?) belonging;"—the grantees stipulating that the "said Daniel Pierce and his associates shall and may enjoy forever all and singular the before demised premises, *in as full and ample a manner as the said Capt. Carteret, John Ogden and Luke Watson do hold and enjoy the same.*"

"The light that each of these documents throws upon the other is remarkable, and it would seem that nothing else could be required to establish the fact of the entire acquiescence of the first settlers in

¹Bill in Chancery, p. 29. For the Liber I, 2d part, p. 19.
document in full see E. J. Records,

the enforcement of the Proprietors' title. In the latter document we find that the moiety of the tract disposed of was to be held on precisely the same terms as the moiety retained; that the grantees were to hold and enjoy forever their portion "in as full and ample a manner" as the grantors held theirs. If we wish to know what those terms were, and in what that fullness of possession consisted, we have only to refer to the former document and we have the information. If Pierce and his associates were to have their respective properties regulated by "the Lords Proprietors Concessions," the same Concessions were to regulate, of course, the properties of Ogden and his associates. If the lands in the southern half were to be appropriated to each settler by *Patent*, the provision must have applied as well to the lands in the northern half. If the one party was to pay the half penny per acre per annum, of course the same rent was to be paid by the other.¹

"But it is said that Governor Carteret, by purchasing the rights of Bayley and others, confessed that the grant or confirmation by Governor Nicolls of the Indian Deed to the Jamaica emigrants, conveyed a valid title; and thereby compromised the claims of the Proprietors. Let us give to this a brief consideration.

"We have no definite information as to the frequency of communication between Carteret and his superiors in England, nor of the matters which were made the subjects of correspondence, but in the peculiar situation of the Governor, surrounded by strangers, with few in whom to trust as advisers, and with Governor Nicolls near at hand fostering feelings of disappointment and chagrin at having lost control of what he deemed "all the improvable part" of the Duke's territory, he must have often found himself at a loss how best to

¹I cannot refrain from introducing a passage from Dr. Hatfield's recent History of Elizabeth, giving an account of the transfer to Pierce and his associates, to show how naturally theories may obscure the truth. Neither of the documents I have referred to are quoted, and the circumstances are disposed of as follows: "Some of the people of Newbury, Mass., finding themselves uncomfortably straitened for farming lands sent an expedition to visit these parts, and, if pleased with what they saw and heard, to secure an

eligible location for a town. Hospitably entertained on their arrival, and made acquainted by personal inspection, with that part of the Elizabeth Town patent that lay between the Raritan and Rahway rivers that had been offered on fair terms *by the town* (?) they concluded to purchase it. According to the custom of the times they applied to Gov. Carteret and received, May 21st, 1666, the necessary permit to settle two townships within the bounds specified; for which a deed, duly executed, was given them Dec.

act, so as to guard the interest of the Lords Proprietors and at the same time retain his personal influence, and ensure his personal comfort. Decisions he had to make without doubt, unfortified by the views of his superiors, but there is nothing known at variance with the reasonable supposition, that in reference to the rights acquired by the Indian purchase he acted, in accordance with their directions or known wishes, as in all he did he seems to have had ever in view the "great equity," that the distinguished counsel—already referred to—subsequently thought might properly lead to a confirmation of such rights to those who should submit to the "Concessions" and payment of the quit-rents. If not specially instructed, he certainly evinced a true perception of that equitable right and a disposition to respect it.¹ *This* was the right he purchased; *this* was the right that in documents bearing his signature he admits to have been in the first instance "lawfully purchased of the Indians," that "right of occupancy," referred to by the legal authorities I have quoted, which, although acquired regularly, did not give a clear indisputable title according to the theory and practice of the day until surveyed and patented, subject to the "certain rent according to the customary rate of the country" as required both in the confirmatory grant of Nicolls and the subsequent Concessions of the Proprietors. A striking illustration of the prevailing disposition to accord all possible rights to settlers, consistent with the superior title of the Proprietors, is seen in the confirmation to Augustine Herman, on the 16th Nov., 1666, of lands on the south side of the Raritan, opposite to Staten Island, *bought by him of the Indians March 25th, 1651.* "Provided

11th, 1666, by Carteret, Ogden and Watson, *representing the associates of the Town.* * * * If the Town Book, in which their early transactions were duly recorded, were now accessible, it would, doubtless, show that the matter had been submitted to the people in town meeting and a vote taken, giving to Carteret, Ogden and Watson, authority to alienate 'the one moiety or half-part of their purchased possessions. It was sold as such 'half-part of the said tract of land which was purchased of the Indians.' By becoming a party to this transaction, therefore, Carteret

again acknowledged the validity of the original purchase and patent."

To all which it may be said that if "the people in town meeting," authorized this sale, of which, however, there is no proof, then "the people in town meeting," also, acknowledged that they were bound to have their lands surveyed and patented under the Concessions!

¹The Proprietors' general instructions respecting the treatment of the natives merit a notice here. "If our Governor and Counsellors should happen to find any natives in our said

that he makes good his purchase from the Indians, and that he observe all such conditions and things according to the Lords Proprietors and Concessions;" and there are not wanting instances where claimants to lands acquired before the transfer to Berkley and Carteret, are called upon to substantiate their claims by actual settlement, and conformity to the Concessions, or else the lands would be awarded to others.

"It must be remembered that the quit-rents were not payable until 1670, and that no steps were taken towards the issuing of patents prior thereto, the delay in requiring their obtainment, being doubtless owing, in part, to the uncertainty, during a portion of the time, as to where the ultimate proprietorship of the province would rest.¹ Consequently the several tracts taken up or allotted to settlers, with the improvements placed thereon by them, were subject to transfer at will to any purchaser, who, at the appointed time, should complete his title in the prescribed mode. There was, therefore, in the simple acquisition of such individual rights by Gov. Carteret—in view of the acknowledged "equity" in them—nothing that in the least conflicted with the superior title of Berkley and Carteret. Bailey, for example, did not, in his deed, "warrant and defend" his lot or lots, "with all and every the building or buildings thereon" to Carteret, against *all* claimants, but only in the language of the deed, against "any person or persons whatsoever that shall lay any claim or claims thereunto by form, or under *him* (the said Bailey) or any of his heirs," &c.²

"And, as we have seen, when Carteret, with Ogden and Watson, transferred the moiety of the entire tract to Pierce and his associates, they only guarantied to them a possession equal to that they enjoyed in the other moiety, "in as full and ample manner as the *s^d* Capt. Carteret, John Ogden and Luke Watson, do hold and enjoy the same.' "

"Another fact establishing the operative force of the Conces-

Province and Tract of Land aforesaid, that then you treat them with all Humanity and Kindness. and not in any wise grieve or oppress them, but endeavor by a Christian carriage to manifest Piety, Justice and Charity, and in your Conversation with them,

the Manifestation whereof will prove Beneficial to the Planters, and likewise Advantageous to the Propagation of the Gospel." Grants and Concessions, p. 30.

¹ See Note p. 64.

² E. J. Records, Lib. I. p. 2.

sions, is this: By the Concessions it was stipulated that one-seventh part of each Township should be allotted to the Lords Proprietors, their "heirs and assigns, the remaining to persons as they come to plant the same, in such proportions as is allowed." Thus, in the agreement for the settlement of Piscataway and Woodbridge, it was especially provided that one thousand acres should be appropriated to the Proprietors, and subsequently in the Charter to Woodbridge, Amboy Point was reserved for their use "in lieu of the seventh part mentioned in the Concessions." It will be remembered that the holders of the southern moiety were to hold and enjoy forever their portion "in as full and ample manner," as Carteret, Ogden and Watson held and enjoyed the northern moiety. The question naturally arises, therefore, how were the Elizabethtown people, proper, situated as regards *this* proviso in the Concessions? Why we have on record a document emanating from the Governor and Council, dated July 20th, 1666, in which it is stated that "upon serious Consideration, and for certain and importunate reasons best known unto themselves," they "have thought fit" to reserve a certain parcel of land and meadow for "the Lords Proprietors of this Province and their Heirs, to be by them disposed of as they shall think fit, *as a part of that proportion of land which of right they are to have out of every Township,*" and all persons are forbidden from cutting any wood thereon, from building thereon, or from cultivating any part of it "without special leave or licence first obtained from the Governor."¹ Could any thing be more conclusive of the operation of the "Concessions," every where, within the original purchase, than this particular regulation prescribed by them, thus recognized as binding in both its northern and southern moities? The "Concessions," if operative in part, were operative throughout. If the provision allotting certain lands to the proprietors was recognized as binding, requisitions respecting the payment of the quit-rents were equally so, and if the payment of the rent was acknowledged to be just, the obtainment of patents became equally obligatory. The document was ever regarded by Governor Carteret as a whole, and he ever required it to be so accepted.

"It is a noteworthy circumstance that, notwithstanding the aversion felt to acknowledge their obligations under it, respecting their lands, the great mass of the people soon recognized the instrument as the

¹ Bill in Chancery, p. 34. E. J. Records, Lib. III, p. 10.

Charter of their liberties, and in all other particulars appealed to it for protection of their rights. When, in 1684, the twenty-four Proprietors sent over to the Province what they termed their "Fundamental Constitutions"—the original document framed, now enriching the walls of the Library of the Historical Society—which they thought the people would gladly adopt in preference to the "Concessions" of Berkley and Carteret, they found themselves mistaken, and the, at first, calumniated instrument, was retained as the foundation of the government. So in 1748—when, by act of the Legislature, the Laws enacted subsequent to the surrender of the Government to the Crown were authorized to be published under the supervision of Judge Nevill, the popular party were not satisfied until they had obtained and published that interesting collection of Papers known as Leaming and Spicer's "Grants and Concessions," comprising all those early documents both of East and West Jersey; and, it is due to the much condemned Proprietary Governments to state that, the Compilers had the frankness to say in their preface, "If our present system of Government [that was in 1758] should not be judged so equal to the natural rights of a reasonable creature as the one that raised us to the dignity of a colony, let it serve as a caution to guard the cause of Liberty"—implying that there was more Liberty under the Proprietors than under the Crown.

"Returning from this digression let me call attention to a name that appears with Carteret's on the papers we have been considering—this grant of the Southern moiety of the Elizabethtown tract and this allotment, out of the same tract, to the Proprietors, it was that of JOHN OGDEN—one of those to whom the tract was confirmed by Nicolls—one of those who, it is said, was present when Carteret arrived—one of those who paid to the Indians the consideration for the tract—one perfectly conversant with all the circumstances of the settlement, capable, honest, intelligent, fully able to appreciate the relations existing between the parties, who could scarcely have been invited to become one of the Governor's Council, and assuredly would not have accepted the position and acted in concert with the Governor, had he not been satisfied of the paramount title of the Proprietors. And although eventually found arrayed in opposition to the Governor, it was subsequent to the period under review, and when reasons of a personal character existed to account for the change.

"That there were those among the settlers who soon exhibited opposition to the rights of the Proprietors may be considered unquestionable, but they were in a decided minority, and even the most strenuous upholder of the malcontents is obliged to acknowledge that "the affairs of the town, so far as can be discovered, moved on very quietly and harmoniously during the first two years after Carteret's arrival."¹ Much of the dissatisfaction subsequently manifested, and the demonstrations of a determined resistance to the terms of the "Concessions" which were developed, may be attributed to the very provision regarded as one of the most liberal—the postponement of the payment of quit-rents. But the nearer the 25th March, 1670, approached, the more active became the elements of discord. The enjoyment of three, four or five years of their respective allotments, free from all pecuniary liabilities to any one therefor, tended very naturally to beget a desire for a continuance of such a state of things, and hence, mainly, the disputes between the Government and country parties, which, commencing with the difficulties growing out of contested rights to the soil, gradually extended to other matters, until the exercise of all authority by Carteret was set at naught.

"It is not the purpose of this paper to discuss these differences. Doubtless there were errors committed on the part of the representatives of the Proprietors, mistakes made in the estimate placed upon some of their delegated powers, and in the manner in which those were administered respecting which, perchance, there was no question, but these were made more grievous by the provocations on the part of the people; but a critical examination of the documentary and traditional history of the times, and an unprejudiced weighing of conflicting testimony, can lead only to one conclusion that, the refusal to respond to the well established legal requirements of the Proprietors was the *foundation* of the wide spread evils that have been referred to. For although its growth was repeatedly checked, by the chilling influences of authoritative expositions of the rights of the parties, the seed sown in the time of Berkley and Carteret, continued slowly to germinate throughout the period of their joint and several Proprietorships, and subsequently, after the surrender of the Government to the Crown by their successors, was fully developed in baneful luxuriance. Evil example is contagious, and in after years the descendents of the Newark Settlers, following in the steps of their

¹ Hatfield's Elizabeth, p. 121.

neighbors of Elizabethtown, set up *their* Indian titles, also, as all sufficient, and even went so far as to assert that the "Concessions" had "never been known or heard of by the generality of the inhabitants" until then,¹ forgetful of recorded proofs of their recognition, to be found in their own "Town Books."² Suits and counter-suits, ejectments legal and illegal, riots and commotions consequently mark the whole of the Colonial era, and not until, at last, the War of the Revolution came with all its varied effects upon property and population, did the contentions cease, and *possession* became the great panacea for controversies about titles. The famous suit in Chancery was never brought to a legal termination, but in its slow progress it gathered around it a large amount of most valuable information, giving, in the language of the title-page of the Bill—"a better Light into the History and Constitution of New Jersey" than can be derived from all other sources unconnected with it.³

"There have been some attempts to disparage Governor Carteret by reference to the presumed effect of associations with a corrupt and aristocratic court, severing all sympathetic chords between him and the people around him; and broad intimations given that he and his company lived in "the unrestrained indulgence that so commonly and shamefully characterized the Court of Charles," for all of which there is no warrant whatever. But even were the Governor chargeable with such dereliction in morals or deportment as estranged the people from him, how happened it that the same people could patronize the dissolute James Carteret, and sanction his subversion of the Government, who is described by a contemporary, and one who knew him personally, as "a very profligate person" * * who "runs about among the farmers and stays where he can find most to drink, and sleeps in barns on the straw."⁴ I will not scandalize the settlers of Elizabethtown by supposing that their selection of such a man for "President of the Country"⁵ as they did, indicated greater "sympathy" for *his* personal character than for that of his relative, the Governor. I am willing to attribute rather to mistaken policy, a supposition that his father, Sir George, would sanction their proceedings however subversive of his authority, if approved of and participated in by his dissolute son, an idea very effectually dissipated on the receipt of his response.⁶

¹ Answer to the Proprietors' Publications, p. 8.

⁴ Danker's Journal, pp. 197, 198.

⁵ See pages 67 and 72 of this volume.

² N. J. Hist. Soc. Proc. 2d ser. p. 174.

³ Ibid p. 175.

⁶ Grants and Concessions, pp. 32, 41.

"The result of this examination, so far as it has been carried, may, I think, be considered as demonstrating that—Although the acts of Gov. Nicolls, affecting the tract now known as New Jersey, of a date subsequent to that of its transfer to Berkley and Carteret, were legally void, yet there is no evidence now obtainable, of any desire on the part of the Proprietors to set them aside, *provided* their terms were adhered to by those to be benefitted by them, namely the payment of a certain quit-rent and the performance of such obligations as might be prescribed by those exercising authority under the Duke—

"That inasmuch as the so-called "Concessions" were widely published by Gov. Carteret immediately on his arrival, and settlers invited to the Province under their provisions, we must presume, in the absence of all negative and the presence of much confirmatory testimony, that they were considered operative within the limits of the Elizabethtown purchase—

"That in the presence of all proof to the contrary, we cannot do otherwise than accept as most probable the assertion made in print more than a hundred and twenty years ago, and in manuscript seventy years prior, that there were not more than four families on the ground, "if so many," on the arrival of Gov. Carteret; and that there is no evidence that even the heads of those families did not conform to the requisitions of the "Concessions."—

"That the settlements of Newark on the north and of Woodbridge and Piscataway on the south—the one, after "discourse and treaties with the Governor" with recorded evidences of a recognition of the obligations of the "Concessions," and the others, under express and stipulated provisions conformable thereto, said to be identical with the rights and privileges of the people of Elizabethtown, are confirmatory of the intention on the part of the representatives of the Proprietors to have the "Concessions" generally operative, and of a prevailing understanding among the people to that effect.

"And if these points are established, it must be conceded that—

"The refusal to comply with the terms of the "Concessions" on the part of the Elizabethtown people, as regards the holding of their lands "by Warrant, Survey and Patent," from the Governor and his Council, was subversive of good order and prejudicial to the just rights of the Proprietors, as interpreted by the laws and customs of the times; for however restricted may have been the limits of their

purchase, within which they claimed exemption from the requirements of the Proprietors, their example and influence naturally prompted to similar action on the part of others beyond those limits."

NOTE F. page 48.

THE following is a synopsis of the agreement between Carteret and Pierce, Pike and Toppan, on the 21st May, 1666.

ART. I. Liberty is given to the associates to settle one or two townships consisting of from 40 to 100 families, between Rahway and Raritan Rivers: the settlement to commence before the month of November ensuing. The inhabitants within the bounds of each town to lay out their respective portions "within themselves"—one thousand acres to be laid out in tracts of 500 each, for the proprietors.

ART. II. The inhabitants of each town were to have a charter granted them—to chose their own magistrates for the government of the corporation—their own minister, and to nominate their military officers and Justices of the Peace for the approval of the Governor; and they should have courts to try all causes actionable within their own jurisdiction, from which no appeal was to be made under the sum of five pounds.

ART. III. Liberty of conscience guarantied short of licentiousness and disturbance of the peace: 200 acres of land to be allotted for the maintenance of the ministrey, and also, enough for the erection of church, for a churchyard, and other public uses.

ART. IV. No tax or custom to be imposed save such as should receive the approbation of the Governor, Council and General Assembly.

ART. V. The manner of laying out the lands and the payment of the half-penny per acre, quit rent, provided for.

ART. VI. The inhabitants to join with those of the other towns in repelling invasion or quelling insurrection.

ART. VII. The freeholders to have a free voice in electing delegates to the General Assembly.

ART. VIII. The inhabitants to submit themselves to the laws, and swear or subscribe the oaths of allegiance.

ART. IX. Full liberty to be given to their removing to any other place, and to their selling their lands as they might think proper.

ART. X. The punishment of criminals prescribed.

ART. XI. Lands not to be resurveyed after seven years' possession.

ART. XII. The inhabitants to pass all necessary laws not contrary to those of the province. Three months were given the associates to make known their final determination.

May 11th, 1668, the agreement was confirmed by John Martin, Hopewell Hull, Robert Dennis, John Gillman, Benjamin Hull, John Smith, Charles Gillman and Hugh Dunn; and on Oct. 20th, 1670, Gov. Carteret waived all objections that might have been made on the ground of their not having "come in exactly according to the time limited." E. J. Records, Lib. I. 2d part, pp. 19 to 22.

NOTE G. page 48.

SYNOPSIS OF WOODBRIDGE CHARTER, JUNE 1st, 1669.

ART. I. Specifies the metes and bounds, which are particularly described, and the tract is said to be bounded on the east by Arthur Cull Sound, north by Elizabethtown, west by New Piscataway, and south by the Raritan.

ART. II. Stipulates that the corporation shall consist of at least sixty families, and as many more as shall be thought proper—directs how the land shall be divided, surveyed, etc., each patentee to pay a half-penny per acre annually to the proprietors.

ART. III. The freeholders to have power to choose their own magistrates, to be assistants to the President or Judge of the Court, and for ordering all public affairs within the township, to nominate their Justices and Military officers, to be approved of and commissioned by the Governor.

ART. IV. The majority of the freeholders and freemen to choose their own minister or ministers, towards whose support each inhabi-

tant shall contribute according to his estate—200 acres of land to be laid out for the use of the minister and 100 acres for the maintenance of a free school—"which said land shall not be abducted, but shall remain from one encumbent to another for ever;" the said lands, as well as those for building a church or school-house, and for a church-yard and market-place, to be exempt from the quit rent—any inhabitant "of a different judgement in matters of religion," might maintain any other minister without molestation.

ART. V. Authorizes "a Court of Judicature" to consist of a President (who should be a Justice of the Peace) and, at least, two magistrates, a Clerk, etc., having jurisdiction over all cases involving the sum of £5 sterling and under; and also for the trial of all criminals and causes of misdemeanor—inflicting fines and punishments such as "stocking, whipping (not exceeding twenty stripes) pillor-ing, ducking, branding, and the like." No freeholder to be arrested and detained for debt until judgment and execution, unless it could be made to appear that he was about defrauding his creditors by leaving the country, etc.—all fines to be disposed of for charitable or public uses.

ART. VI. Guaranties liberty of conscience according to the terms of the concessions.

ART. VII. The inhabitants to have the privilege of a free trade unburthened by any excise or tax save such as may be imposed by the Governor and General Assembly for defraying public charges.

ART. VIII. The inhabitants to join with those of other town in repelling invasion, or attacks of Indians, but not to make war unless by consent of the Governor, Council and Assembly.

ART. IX. The freeholders to choose two deputies to the General Assembly.

ART. X. The freeholders to submit themselves to the laws and government of the province, to swear allegiance to the proprietaries, and to have full liberty to remove and dispose of their lands.

ART. XI. Provides for the general ordering of affairs for the good of the township by a majority of the freeholders.

The document concludes with a proviso that, as Amboy Point was to be reserved by the Lord's Proprietors "in lieu of the seventh part mentioned in the concessions," it was understood and agreed that the nine hundred acres of upland was to be on and about Amboy Point, as then surveyed by the Surveyor General, and for the

hundred acres of meadow (one thousand acres being the quantity reserved), it was to be laid out in the most convenient place nearest thereto.

It was signed by Philip Carteret, Governor; James Bollen, Nicolas Verlett, Samuel Edsall, Robert Vauquellen, William Pardon and Robert Bond; and confirmed under date of 7th September, 1672, by Lord Berkley and Sir George Carteret themselves.

NOTE H. pages 50 and 51.

ALTHOUGH there have been some attempts to prove that the Concessions were modified in favor of the settlers of Newark, yet the records of the town and proprietary documents afford testimony that no modifications effecting the tenure of their lands were agreed to. During the prior negotiations with Robert Treat and John Gregory, when a settlement on the Delaware was in contemplation, although every disposition was shown by Carteret to favor those views of the expected immigrant, in many points of local government, there was no intimation on his part that any change could be made of the character referred to. In confirmation of this a letter is here inserted which has never before been in print, and which has only recently been met with in full, although unquestionably referred to in the appendix to the Bill in Chancery.¹ It was found in a MSS. answer of Andrew Johnstone, Lewis Johnstone, John Burnet and others to a Bill of Complaint of John Tompkins, John Condict, John Medlis and others, in the possession of a gentleman of Hudson county.

LETTER FROM GOV. PHILIP CARTERET

TO THOSE PROPOSING SETTLEMENT ON THE DELAWARE.

NEW YORK, 27th February, 1665.²

Mr. Wm. Jones and the rest of the undertakers of the Plantation upon Delaware Bay or River—Sirs :

I have received yours of the 10th Instant by Captain Treat and Mr. Gregory for Answer to those alterations you have made in the Articles formerly Agreed upon; I cannot by any means consent unto, in respect that I have already sent them to the Lord's

¹p. 31.

²1665-6.

Proprietors for their Assent, but if there be any words Omitted that are agreeing to the sense and right understanding of the said Articles they shall be added when they are to be Engrossed and Confirmed farther by the Lords for matter of appeals that must be both for the place and to what Court the Governour Council and Generall Assembly shall appoint: for matters of theft, we must be Governed by such Laws as shall be made by the Generall Assembly, and it is like they may agree with those that you propose, but without doubt they will be very Cautious in the taking away of any Man's Life, unless there be a Necessity for: for Commonage there is Provision made for that in the Lord's Concessions, as you have here Verbatim, Viz' they are to take care (meaning the Governour and his Council) that no Man if his Cattle stray, range or Graze, on any Ground within the said Province. not actually Appropriate or set out to particular Persons shall be lyable to pay any Trespass for the same to us, our heirs, &c.: Provided that Custom of Commons be not thereby pretended to, nor any Person hindered from takeing up and appropriateing any Lands so Grazed upon, and that no Person do purposely suffer his cattle to graze on such Lands, which Article I suppose will Answer your Expectation concerning that particular, and therefore need not to be incerted in any Article; the 500 Acres Allotted to the Lords cannot be altered, it being a great deal less than they Intended by their Concessions; and besides it being Express in the the Articles sent unto them, for the Councill is not to be Chosen, but by the Lord's Proprietors and the Governour, but Questionless if the Generall Assembly doth recommend any able Person to me. I may accept of him. I referr you to Cap' Treat and Mr. Gregory's relation whc have read the same in the Concessions, if any Person or Persons shall come and Inhabit within the Limitts of your County after the three Years Expired may have and enjoy the same Priviledges as you do, excepting the proportion and the benefit they receive by it, of Lands by which they must make a New agreement, but if they take up Land in any other County—they must be conformable to such Laws and Customs as are there Established, Excepting in matters of Judgment and Opinion in Religion; for the Purchasers being out of purse and the great loss they have sustained I cannot help them therein; in my opinion those that Settle with them in that Tract purchased by them, must pay towards it, according to proportion for the Land he takes up by Patent. I desire to

have a Copy of the Indian Grant, that I may know the Names of the places purchased and the Bounds thereof. I cannot grant any Exemption from the payment of the $\frac{1}{2}$ penny p^r Acre it being all the advantage that the Lords Proprietors reserve to themselves and besides it being so Inconsiderable; especially that every Man pays for no more Land than what he appropriates to himself by Patent, that I shall not desire any abatement of it for my own particular; for the words heirs and successors in the Title of the Articles shall be Incerted, as also in the First and Second Articles.—In the third Article not contrary or agreeable to the Laws of England seems to me one and the same, & a thing Indifferent, as also the word alteration without Generall Consent of the Freemen shll be added in that and in the 10th Article.—In the Eighth Article as Indifferent Men shall Judge; shall be allowed of in the 10th Article shall be added, and for the Transacting and ordering all Affairs, and also in the 14th Article or Freemen of the Plantation.—for the 15th Article if I see Occasion and reason for it I shall allow a larger Extent of Bounds, to a Town or City than is there Expresst.—I understand it, your Settlements to be upon Delaware bay and River—for the fines they are to be disposed of, by the Generall Assembly for the defraying the Publick Charge of the whole Provinces and your County being a people of it, will have as great a share as any other according to their disbursements for the Publick use, it is understood in the 7th Article that if a man Wilfully Neglects the recording of their Grant within one year's time and no otherwise—All which amendments I do not doubt but will be to your satisfaction, and an Encouragement to those that are to Join with you, with my love to your associates, I rest.”

The following letters are inserted from the same source, as they have never been in print, and are believed to be authentic.

FROM GOVERNOR PHILIP CARTERET.

TO THE INDIAN SACHEM ORATON.

ELIZ: TOWN, the 26th May, 1666.

“To ORATON—Honoured Sachamore, according to our agreements, in our last meeting to our agreements, in our last meeting ij have sent to you Cap' Treat, with some others and the Interpreters for to make an End—Concerning that Parcell of Land. that we were

about the other day, and ij have given him full power to act with you concerning the same so much if ij was with you myself; and what you do agree with him ij shall see you fully and duely satisfied: and as we have been and Lived together in unity and Amity ij do wish that it may continue it shall not fail of my side, that you may be sure of it, and you need not to question that it will prove very advantageous to you, and to the People under your Command, and as for those Complaints that you did to me of the abuses done to you at the Mannhattans ij cannot help the same but you may be sure that the same hath been Committed without any consent or knowledge of the Governour and in the future this shall be amended, and ij have given him notice of it and ij am very well assured that if he hath known the same, for the respect that he hath for you he had not suffered it, and ij do promise you that if any Man under my Command do wrong you or yours upon prove of it he shall be severely Punished, the same Justice ij do Expect from your side and ij hope in a little time to be able to supply your People with such goods as they shall have need of, and not to go to them places where they receive affronts; in a short time ij shall take an Occasion to give you a Visit; in the meanwhile, I remain, &c."

FROM GOVERNOR PHILIP CARTERET.

TO CAPTAINS POST AND CORNELIUS.

"ELIZ: TOWN, the 26th May, 1666.

" *Capt. Post and Cornelius—*

This letter to accompany Cap^t Treat and some of his Company they are going to Hackinsack to Oraton, therefore so as you have begunned ij pray you to Continue, and to go long with them to said Oraton and to Interpret my Letter that ij have written to him likewise to help the said Cap^t Treat for to bring the Bargain of the Land concerned to a period, the same being ended you shall bring Oraton and the owner or at least the Owners of the said Land with you; and to View the said Land, and to put the Limitts—according the use and your best Judgment, not more at the present, I do remain."

In illustration of what may be conceived to have been the views of Carteret at this time, let it be borne in mind that not many days

previous he had drawn up articles of settlement for the towns of Woodbridge and Piscataway, which have been mentioned¹ wherein the mode of surveying and patenting their lands was definitely prescribed.² The fact that the people of Newark, on the 25th March, 1670, and for the one or more years thereafter, were prepared to pay and did tender the amount of the quit rent has been pointed at as evidence that they were not led into opposition to the government of Carteret by any scruples about paying the half-penny per acre, but that more serious matters prompted their action. The answer to this is the enquiry why was the proffered rent refused? They knew it was not sufficient to tender the rent only, but that it was equally as important and equally as obligatory upon them to recognize the proprietaries' rights and obtain their patents. The proprietors were the rightful owners of all the land in the province, according to the laws and customs of the period, on which the Indians' right of occupancy might be regarded as a lien. If the purchase of that lien from the Indian was all that was required to perfect the title of any individual settler it requires no argument to demonstrate the worthlessness of the grants from the Crown. Acres upon acres could thus be acquired for a nominal consideration.³

It has been stated in extenuation of the conduct of the settlers that no particular time was specified in the Concessions for taking

¹See page 48.

²See Note E.

³Such, for example, as 300 and 400 pounds of wampum value, as in July 9th, 1702, and March, 1704, for tracts defined by chestnut and white oak trees, tops of mountains and running streams without a course or a distance or quantity being stated—or for "a valuable sum of good and current Money of the Province of New York" as in a deed of May 1st, 1701, presented for authentication in May, 1741, no amount being stated; or for the good will and affection which we have and bear towards our loving friend, T. P." etc., as in a deed of Aug. 8th, 1700; or such a consideration as the following: "Not insensible of the many and great benefits our nation enjoys by having a

daily commerce with the subjects of the good and great King of England, our royal friend and ally, and the many discouragements those of his said majesty's subjects, who by their industry and labor would endeavor the subduing this wilderness," etc., etc., "therefore"—like intelligent and loyal Indians as we are—"to promote the general welfare of both nations, we think fit and convenient to settle some of our lands upon those Englishmen who have from time to time, and in times of greatest necessity been our benefactors"—and they grant to a number of Newark men a tract about Whippany. This was dated Dec. 31st, 1701, but not acknowledged by the witnesses until Nov. 29th 1709.

out the patents, but a reference to the document will show that, although no date is prescribed, yet it was after the *Warrant and Survey* and *Patent*, in regular sequence, had been obtained, that the rent became due. Such was the interpretation of the instrument by nearly thirty of the people of Woodbridge who, before the 25th March, 1670, took out patents for over 5,000 acres of land, and of more than twenty others who did the same for over 3,500 acres during 1670 and 1671. For this procedure they doubtless were sneered at by the other towns, not one survey being made in Newark by the authority of the governor until 1675.

NOTE I, page 54.

SYNOPSIS OF THE BERGEN CHARTER.

THE preamble reads thus :

"This Deede Witnesseth of a Charter Granted to the Towne and Freeholders of Bergen and to the Vilages and Plantations thereunto belonging Cituated and being in the Province of New Cesarea or New Jersey. By the Hon^{ble} Cap^t Phillip Carterett Esq^r Governo^r of the said Province and his Councill under The Right Hon^{ble} John Lord Berkley Barron of Stratton and S^r George Carterett Kn^t and Baronet the absolute Lords Proprietors of the same, Containing the Limitts and bounds of the Jurisdiction of the said Towne together with the Immunities and Priviledges thereunto belonging and appertaining."

ART. I. The bounds are specified, and the whole, containing 11,520 acres, transferred to the "jurisdiction, corporation or township of the said town of Bergen ; the said corporation submitting themselves to the authority of the Lords Proprietors and the government of this province."¹

ART. II. Fifteen pounds sterling to be paid annnally in lieu of the halfpenny *per acre*.

ART. III. All freeholders, living on the plantations included within

¹ Controversies subsequently arose under this clause, as the true ownership of the lands not covered by private grants, which were not definitely settled until commissioners were appointed by the Legislature for the purpose in 1764.

the bounds of the corporation (including "*Bergen, Ahasimus, Comunipau, Minkacque, Prenbrepock*") to be accounted freemen of the corporation," &c.

ART. IV. The freeholders or a majority of them to make choice of two deputies to General Assembly.

ART. V. To choose their own magistrates, to be assistants to the President or Judge of the Court, and to nominate their Justices of the Peace and Military officers, to be commissioned by the Governor.

ART. VI. VII. To choose their own ministers, &c.—similar to the Woodbridge Charter, Arts. IV. and VI.

ART. VIII. IX. Authorized to divide off vacant lands within their bounds.

ART. X. Free trade allowed the inhabitants.

ART. XI. Inhabitants liable to be called out to repel invasion, &c.

ART. XII. To choose their own Constables.

ART. XIII. Inhabitants to submit themselves to laws of the Province and subscribe oath of allegiance.

ART. XIV. Authorizes Courts, &c., similar to Woodbridge Charter, Art. V.

NOTE J, page 60.

THE FOLLOWING are the messages which passed between the Governor and Council and the Assembly on the occasion referred to in the text: they show what were some of the grounds of dissension.

"The sixth of November. 1668.

"A message sent by the Deputies to the Governor and his Council.

"Honored Gentlemen,

"We, finding so many and great inconveniencies by our not setting together, and your apprehension so different to ours, and your expectations that things must go according to your opinions, though we see no reason for, much less warrant from the Concessions, wherefore we think it vain to spend much time of returning answers

¹ On or before May 1, 1666, persons claiming "*Pembrepow*" and "*Menkel-qae*," adjoining Constables Hook, were called upon to prove their title, or the land would be sold to others. E. J. Records, Vol. II. Lib. 3, p. 6.

by writings that are so exceeding dilatory, if not fruitless and endless. And therefore we think our way rather to break up our meeting seeing the order of the Concessions cannot be attended to."

"The Answer by the Governor and his Council.

"In answer to your last proposition, we desire you to appoint two of your deputies to consider with us, in what point we act contrary to the Concessions, it being too late to-night to entertain so long a debate, we will be ready to-morrow morning to give them a hearing, and if reason will satisfy you, we shall be very well pleased that you proceed according to the Lords Proprietors Concessions, and the trust imposed upon you, if not you may do what you please, only we advise you to consider well of your resolutions before you break up."

Copia Vera,



Secretary.

[Grants and Concessions, p. 9, from E. J. Records.]

NOTE K., page 66.

THE APOLOGISTS for the malcontents in the province assert that, the payment of the quit rents,—called "a galling tribute" notwithstanding they were "paltry sums,"—constituted only one of many causes for their action, and that of the least consequence. They think they discover matters of far greater moment calculated to arouse the opposition of the people.¹ These grievances are mostly conjectures, as we have no specific statement from the people themselves as to the grounds of their complaints. It is evident² that a difference of opinion was early manifested between the Assembly and the Council as to their respective powers, and particularly as to whether they should sit, when constituting the General Assembly, as one body or separately, as two houses. The phraseology of the Concessions—

¹ Hatfield, p. 135. Stearns, pp. 50–53. ² See Note J.

"who"—the Deputies or Representatives—"are to join with the said Governor and Council for the making of such laws, &c.:" and again, "which body of Representatives or the major part of them shall with the Governor and Council aforesaid be the General Assembly of the Province"—being differently interpreted. Even the requirement that,—“the Governor or his Deputy *being present*, unless they shall wilfully refuse, in which case they may appoint themselves a President *during the absence* of the Governor or the Deputy Governor”—was, as will be seen, also differently construed, but there is nothing on record showing that the division of the General Assembly into two houses, corresponding to the national legislature of the mother country, occasioned any evils of which the people particularly complained.

It is assumed, also, that there was an unwarrantable assumption of responsibility by the Governor and Council, in governing the country without a General Assembly. At the first session in 1668, in accordance with authority conferred in the Concessions, the General Assembly enacted that its sessions should be held annually in November, and that the election of deputies thereto should be held on the 1st of January preceding; and as by the Concessions the Assembly was authorized to regulate for itself its times of meeting and adjournment as might be thought most convenient, their failing to meet cannot properly be attributed to any negligence, or covert design, on the part of the Governor. It is known from the Town Records of Newark that the deputies were regularly elected from that place, and so were they from Woodbridge. What prevented the other towns doing so likewise, and holding the sessions regularly, if the want of legislation was so much felt? Or, is it probable that these two towns would have continued to carry out the enactment of 1668 if, as has been intimated,¹ the Governor had not secured the confirmation of the laws of the Proprietors, as required by the Concessions?

A more plausible accusation, his having erected courts by his own arbitrary mandates,² is accompanied by the explanatory and apologetic remark that it was done when "struggling to maintain authority," but the instances given may all have been covered by the general powers conferred upon him "to act and do all other things that may conduce to the safety, peace and well Government of the said Province as they [the Governor and Council] shall see fit; so as they be

¹ Stearns, p. 50.

² Stearns, p. 50.

not contrary to the *Laws* of the province."¹ It is true that the Concessions had conferred upon the General Assembly the authority to constitute all courts, together with the limits, powers and jurisdictions of the same;² but in February, 1671, *before* any courts had been thus established, the Governor, deeming it advisable to uphold the rights of New Jersey, against the claims of New York to control all the commerce within Sandy Hook, convened a special court at Elizabethtown (of which a prominent settler of Newark, Robert Treat, was a member,) for the trial of Captain Wm. Hackett of "the Sloop *Indeavor* of Salsbery in the County of Norfolk in New England," guilty of trading within the limits of the province without license. To the authority of this court no question was raised, although the Captain presented no less than fourteen different points of defence. One jury could not agree, but another being impanelled he was found guilty and his vessel declared forfeited. These juries were composed of some of the most intelligent settlers, and neither they nor the Captain seem to have entertained any scruples as to the validity of the court.³ So, as stated in the text, as the only courts established (by Charter, not by the General Assembly,) were those in Woodbridge and Bergen, they were directed in October, 1670, to take cognizance of causes that might be brought before them from other parts of the province.⁴ It is on record that at a session of the Assembly held in December, 1671, the Governor was authorized by special commission to constitute a Court of Oyer and Terminer, which was held in the months of February and March following,⁵ and resulted in the conviction of eight persons for riotous conduct. If the action of the Governor, in enlarging the jurisdiction of the courts of Bergen and Woodbridge was so reprehensible, would not the people at that session of the Assembly have taken steps to obviate the asserted unconstitutionality of his so doing? The fact was, Courts were not then thought so necessary by provincial governors or by the people as in later times. During the administration of Governor Nicolls in the more populous province of New York, not a court was established. Smith, in his history of that province, says, "He took upon himself the sole direction of all controversies whatsoever. Complaints came before him by petition, upon which he gave a day to the parties, and after a summary hearing pronounced judgment."

¹ Grants and Concessions, p. 19.

Daily Advertiser, Jan. 9th and April 4th, 1855.

² Grants and Concessions, p. 16.

³ E. J. Records, III. p. 78. Newark

⁴ E. J. Records, Lib. III. p. 36.

⁵ E. J. Records, Lib. III. p. 78.

NOTE L, page 69.

(FROM EAST JERSEY RECORDS, LIBER III, pp. 53-56.

"A DECLARATION & PROTESTATION of the Hon^{ble} Phillip Carteret Esq^r Govern^r of the Province of New Jersey & his Council, unto all the Inhabitants in the several Townes and Plantations in the Province aforesaid as followeth.

WHEREAS. We are certainly Informed of several Eregular & Illegal proceedings & Actions of several Persons styling themselves The Deputies or Representatives for the Country, in Attempting the making an Alteration in this Government by Assembling together at Elisabeth Towne, the fourteenth day of May Last under the Denomination aforesaid, without writts from the Govern^r or without the knowledge approbation or Consent of the Govern^r and Council aforesaid, & by Electing a President for the Country and making Proclamation publickly of these their Illegal Actions All which tends only to Muteny and Rebellion and to the Disquitement of the Peaceable Inhabitants of this Province, and is altogether Contrary to the Constitution of the Government and the Interest of the Lords Proprietors which we are by o^r oathes bound to maintain to the utmost of our Power, according to our best Skill & Judgment. We therefore in his Majestys Name do strictly charge and Command all and every person or persons, that hath had any hand in these Illegal Actings, imediately upon Publication hereof to desist from all such Illegal proceedings and to yield due obedience unto the Government of the Lords Proprietors and their Governor Phillip Carterett Esq^r (who is by them commissioned for that service) and his Council untill the Lords Pleasure is to commissionate some other person for that purpose and the same be Legally Published, which if they shall readily doe The Govern^r and Council will as readily pass by the faults by them Committed Judging that they have been Misled by Ill Advice, And that the Chief Actors in these Illegal proceedings Vig^t those who call themselves Deputies for Elisabeth Towne, Newark, Woodbridge, New Piscataway and one from Bergen, doe within ten days after Publication hereof Come and Declare their submission unto the Governor & Governm^t as abovesaid in writing, under their hands, upon which their submission so declared We The Governor and Council doe hereby Promise and Engage that their Illegal Actions as touching the Premisses before Publication hereof shall be buried in Oblivion, but if they the Said persons

shall still persist in such kind of Illegall Actions or not declare their Submission as is above Expressed, they shall be proceeded against as Mutineers & as Enemies to the Government Peace and Welfare of this Province, and we do further declare that o^r hearty desires are that these Breaches may be peaceably healed and that we may all Live in Peace Love and Amity each with others, all persons conscientiously observing the respective Duties in their Several Stations & Relations, But if these o^r desires doe unhappily Fail us of o^r hoped Expectation, We doe hereby Declare and Protest against all such Illegall Actions, & must & shall in faithfulness to the trust reposed in us and discharge of o^r oathes put in Execution that Power and Authority that we have from the Lords Proprietors upon all persons that shall obstinately persist in any such Mutenuous Actions or Attempt & if by this means there should be any blood shed We do hereby Cleer our Selves before God & Man from the Guilt thereof; It is the Governor & Councils pleasure that this Declaration be Published by the Constable of each respective Towne within this Province at a full Town meeting & the Same to keep in his Custody & Let any Person or Persons have Copies thereof. Dated in Bergen Jurisdiction this 28th May 1672."

"Signed by the Governor."

Robert Carter

Robert Saugrath
Danwell Edfall } *John Bishop*
John Penny } *William Pardon*
John Pike } *Laurens Androp*

"TO THE RIGHT HON^{ble} JOHN LORD BERKLEY BARON OF STRATTON & SIR GEORGE CARTERET KNIGHT & BARONET the absolute Lords Proprietors of the Province of New Cesarea or New Jersey. The address of us whose names are subscribed being of the Council of your Hon^{ty} Governor here.

"Humbly sheweth. That whereas several persons in this Province who have a Long time been discontented & Oposit unto the Governor & Government who have of Late by their plottings & Combinations so Carried matters that they have had such Influence into the Election of Deputies for the Assembly as that there are such persons chosen as Deputies who having avoided taking the Oath of Assemblymen according to the Concessions, & have taken Liberty to differ from the Governor and Council in Establishing matters for the Peace and Settlement of the People, and have now At last disorderly Assembled and procured Cap^t James Carteret as their President, who Joyned with them in making disturbance in this Province, he taking upon him to head the said persons endeavouring not only to disingage the people subjection unto, [so in record] but also opposing and abusing the Governor and Council, commanding their Obedience to himself by virtue of his Warrants which he puts forth in the Kings Name for that end, as also Prohibiting such Officers as Act by the Governo^rs Commission, and Commanding them wholly to cease acting in their Offices, nntill they receive orders from himself; and unto such a hight hath he proceeded, that he hath Imprisoned Several persons, in p'ticular the Deputy Secretary for Executing his office. who having by the Governor's order made an Escape out of his hands, we understand they have seised his Goods, and the Like we Expect daily will be the Condition of all others that will not concur with his Illegall proceedings, he giving forth Continual threatenings against those that doe not obey his orders and having persons adhering to him that probably will be ready to Execute his Will so as they may have the Plundering of o^r Estates, and all these proceedings he carries on with pretence that he hath Power sufficient he being Sir George Carteretts' Sonn and that he himself is Proprietor and can put out the Governor as hee pleases and that his Father hath given him his part of the Province; though he doth not shew and grant or Commission or Legal Power to doe any such thing, but saith he Scorneth to shew his Power to such fellowes as wee, neither need he so do do being on his own Land. And as for

the Lord Berkley's part he saith that is but a small matter ; so that pretending himself to be Proprietor his proceedings give the greater hopes to his followers. and Consequently are the more dangerous as to your Honnour's Interest and the Inhabitants peace and safety, both in respect of Liberty and Estate, if not Life also. according as their Outrage may prevail : and those that doe not submit & yield Obedience to his Orders and Commands but doe appeare to be faithfull to your Honnours Interest and Government because of their Oath they have taken, They are in Continual Danger of being surprised and imprisoned by him : all which Actings of his doe Evidently tend to the ruin of The Province as to your Honno^r Interest for either we must comply with him and his followers and their proceedings, who aim to get all into their own hands, or Else we must remove out of the Province, Except he doth prevent us by Casting us into Prison : and although hee be Sir George Carteretts Sonn, & for his Father's sake we Honnour him accordingly, yet our owne reason doth persuade us to believe that his Hon^{ble} Father will never Countenance his son in such dishonorable unjust & Violent proceedings, which tends to nothing but ruin ; The Consideration whereof doth necessitate & imbolden us to Crave your Honno^r speedily to Contrive a sutable and Effectual means For the suppression of these Illegal and violent proceedings (the particullars whereof we leave to the Governors Rellation) which tends so much to the Damage both of y^r Hon^r and ye faithful Inhabitants, & preventing them and others p'gressing in the settlement of the Province, Least the delay of Speedy remedy produce such sad Effects here as the Like Proceedings formerly did in the Lord Baltimore's Government in Maryland : one way to prevent which, the Governor with our advice hath resolved formally to wait upon your Honn^r thereby to Endeavor the Curing this wound by speedy Medicine which delay may Cause to Gangrene, and to leave Cap^t John Berry, his Deputy to officiate in his Absence. And furthermore if it may please your Honn^r to Favour us so far as that we may suggest unto your Hounours a word or two which tendeth to remove an Impediment as unto them that desire to Come to settle in this Province, and also save Discouragements which is upon the Spirits of your faithful Inhabitants, that doe willingly Comply unto your Honnours Concessions ; namely, that your Honnours be pleased to Confirm their Charters

and Patents already granted by our Governor and his Council, and also Whereas the Concessions require one half penny p^r acre in Current Money of England, that your Honnours be pleased to signify under your hands your Acceptance thereof in such Pay as groweth in the Country at Merchants price: all which being favourably Effected we humbly Conceive will much tend to the settlement of the People and Prosperity of the Province:—Craving pardon for our boldness we beseech the God of Wisdom to give your Honnours a Spirit of discerning to see where Integrity and faithfullness are fixt and where private designs are driven at that you may Administer that which is Just and Equal to all, Encouragement to those that merret it and Reproof to Evil doers. We wish your Honnours peace and prosperity in this Life and Glory in that to come & subscribe Yo^r Honno^r faithfull & humble servants.”

WILLIAM PARDON,
LAWRENCE ANDRESS,
JOHN BERRY,
ROBERT VAUQUELLEN,

SAMUEL EDSALL,
JOHN BISHOP,
JOHN PIKE.

“Province of New Jersey, July 1, 1672.”

NOTE M, page 89.

THE FOLLOWING extracts from the New York Colonial Documents illustrate this matter of the Customs:

In a postscript to a despatch to Major Andros, from Sir John Werden, the Duke's Secretary, February 13th, 1674-5, [Vol. III., p. 229,] the Governor is thus advised.

“I had almost forgott to tell you y^t we have as yet done nothing towards y^e adjusting Sir George Carterett's pretentions in New Jersey, where I presume you will take care to keep all things in y^e same posture (as to y^e Duke's prerogatives & profitts,) as they were in your predecessor's time, until you shall hear of some alterac'ons agreed to here.”

In a despatch dated 31st August, 1676, [Vol. III., p. 240,] he says,

“I adde thus much further in relac'on to Sir George Carteret's Colony of New Jersey, y^t is that I have acquainted his R^y High^{ness}”

with what Mr. Dyre writes to me, about his late bickering wth Captain Carteret, for not letting a Present pass, &c., and though small matters are hardly worth y^e notice especially where Sir George Carterett himself is concerned, (for whom the Duke hath much esteeme and regard,) I doe not find y^t y^e Duke is at all inclined to lett goe any part of his prerogative wh^{ch} you and your predecess^{rs} have all along constantly asserted in his behalfe; and soe, though at present in respect to Sir Geo., we soften things all we may, not to disturbe his choller, (for in truth the passion of his inferio^r Offic^{rs} soe far infects him as puts him on demands w^{ch} he hath noe colour of right to,) I verily believe should his foote chance to slip, those who succeed him must be content wth lesse civility yⁿ we show him in y^e point, since yⁿ we should exercise y^t just authority his Rⁿ High^{nes} hath without such reserves, as though intended but favors now, may, if confirmed, redound too much to y^e prejudice of yo^r Colony. You will reserve what I say in y^e paragraph to yourselfe."

The closing sentences exhibit the germ of that hostility to the commercial prosperity of East Jersey, which was manifested when it had passed into the hands of others.

NOTE N, page 96.

THE FOLLOWING documents are the foundation of the letter mentioned in the text:—they are among the New York Colonial Documents, Vol. III, pp. 284–6.

"August y^e 6th, (80.)

"Memorand^m.

"Mr. Billing, for himselfe and others having long insisted on their Right derived from y^e Duke's graunt to Lord Berkley and S^r George Carteret, (as Proprietors of West New Jersey in America,) to be exempt from paying any Customes or other dutys, or beieg any ways und^r the jurisdic'on of New York, but alledging y^e said West New Jersey to be wholly independant therefrom: after many heareings by the appointem^t of his Rⁿ High^{nes}, who was pleased to referr the whole matter to y^e decision of Sir William Jones, &c. At the last Sir William Jones gave his opinion und^r his own hand as followeth:—

SIR WILLIAM JONES' OPINION.

‘ 28 July, 1680.

“I doe hereby humbly certify that having heard wh^t hath beene insisted upon for his Roy^{ty} Highnesse, to make good y^e legallity of y^e demand of Five p^r cent. from y^e inhabitants of New Jersey; I am not satisfied (by any thing I have yet heard) that y^e Duke can legally demand that or any other duty from y^e inhabitants of those lands. And y^t wh^{ch} makes y^e case the stronger against his R^{ty} H^{ty} is, that these inhabitants clayme und^r a graunt from his Roy^{ty} Highnesse to y^e Lord Berkley and Sir George Carteret, in wh^{ch} graunt there is noe reservac^{on} of any proffit, or soe much as jurisdic^{on}.

W: JONES.

“In compliance to wh^{ch} opinion, His Roy^{ty} Highnesse, y^e day, 6 aug^t, (80.) at Windsor, did com^{and} Sir John Werden to bring him a Deed of Confirmac^{on} (or Release) tendered by Mr. Billing, the more firmly to convey the said West New Jersey to him and y^e rest of the Proprietors, and plainlye to extinguish y^e demand of any Customes or other dutyes from y^m (save y^e rent reserved as at y^e first.) And his R^{ty} H^{ty}, though his Councel at Law (Sir John Churchill and Sir George Jeffrey being both absent,) had neither drawne nor signed it, was pleased to execute y^e same accordingly; by reason y^t Mr. Billing urged y^e necessity of it now, to have y^e benefitt of the ships present voyage, some being now ready to sayle unto those parts of West New Jersey above menc^{oned}.”

WARRANT TO SIR JOHN CHURCHILL.

“These are to direct and require you to prepare for my signature a Deed, or fitting Instrum^t, (agreable to y^t I have already executed unto Edward Billing and others,) whereby I may release and confirme unto Sir George Carteret, y^e heire of Sir George Carterett, (lately deceased,) his moyety of New Jersey (called East New Jersey) in America. For wh^{ch} y^e shall be yo^r Warr^t, Provided it be entred wth my Auditor-Gen^l wthin two months of its date. Given und^r my hand at Windsor, y^e 6th day of September, (80.)

“To Sir John Churchill, Kn^t, my Attorney-Gen^l., or to Sir George Jeffreys, Kn^t, my Sollicit^r Gen^l.”

SIR JOHN WERDEN TO GOVERNOR ANDROS.

St. James's, 6 Nov^r, (80.)

“Sir

I presume you will have heard already y^t his Rⁿ H^s in obedience to his Ma^y co'mands is gone againe into Scotland, but y^t before he went he was pleased (upon such advice as he relied on) to confirme and release to the Propriet^r of both moytys of New Jersey all theire and his right to any thing (besides y^e rent reserved) wh^{ch} heeretofore may have beene doubtfull, whether as to governem^t or publique duties in or from y^e places within their graunts. And though I believe y^e Deeds y^m selves (respectively) wh^{ch} produced to you, will enough satisfy you in this matt^r yet I thinke it convenient herein to give you notice of y^m to p^rvent as much as in me lyes, any doubt of y^e validity thereof, or there having beene surreptitiously obteyned or any othe^r inconvenience y^t may happen either to you, or y^e Propriet^r for want of such intimac'on.

I am, &c.,


To S^r Edm^d Andros, Kn^t &c.

 NOTE O, page 99.

THE following is a synopsis of the correspondence which took place previous to the dissolution of the Assembly in 1681, from the New York Colonial Documents, Vol. III., pp. 293-300. Chalmers had access to the document, and refers to the correspondence in his work, but its details have never before been made public.

October 19th, 1681.—The Representatives desire to be informed whether they are to consider the late grant from the duke as the foundation of the government.

October 19th.—The answer returned is, that the Patent from the Duke, confirmed by the King, must be regarded as the foundation of the government. A hope is expressed that none of the bad seed

E Andros

sown by Sir Edmund Andros had taken such deep root as to lead to doubts on the subject, unless indeed Sir Edmund's actions were

approved of by them. "Wherefore," say the Council, "we desire in the prosecution of your duties that you would fall upon something that may be for the good of the province."

October 20th.—The Council desire the Representatives to appoint a committee to meet one from their board to confer upon the matters in dispute: the conference to be that afternoon. The committee appointed by the Assembly consisted of Captain John Bowne, *Speaker*, Thomas Johnson, Edward Slaughter, or Slater, and John Elsby; the names of the Council committee are not given.

The Representatives pass a resolution that the Concessions granted by the Proprietors February 10th, 1664-5, are to be taken according to the letter without any interpretations whatever:—and, in answer to the Council's communication, the Clerk informs that body that in the inquiry first propounded they intended nothing more than to arrive at a right understanding of the matter referred to, and "deem all reflecting expressions may be forborne as not tending to peace."

October 21st.—The Council inquire what misinterpretations have been put upon the Concessions.

October 21st.—The Representatives pronounce the "Declaration of the true intent and meaning of the Lords Proprietors, and explanation of the Concessions," to be a breach of the Concessions; under which certain persons have presumed to act to the great prejudice of the inhabitants and settlers.

October 21st.—The Council in reply require the acts of encroachment, &c. to be specified and by whom committed.

October 22d.—The Representatives request the appointment of committees with a view of obtaining a full explanation in relation to the matters complained of.

October 22d.—The Council appoint Monday 24th, between 11 and 12, as the time for the conference, and the same committee is appointed by the Assembly, excepting John Curtis in the room of John Elsby, and an adjournment is agreed upon to Tuesday the 25th.

October 25th.—Spent in debates.

October 27th.—The representatives pronounce the Declaration and Concessions contradictory one with the other, and demand that the former be made void.

October 27th.—The Council acknowledge the receipt of the message, and say in answer: "Wee well know that the General Assembly doth not consist of you, the Deputies alone, wisdom is justified of her children and teacheth men wherein they stand distinct to answer for themselves and not for the whole: you further add that you desire and expect that the boddy of the said Instrument should be made void, as you have had the benefit of reading as well as weighing (as you say) the said Instrument. If you had also had the Benefit of understanding you would neither have desired nor expected the same to be made void."

October 28th.—The Deputies declare that the Inhabitants of the province, are not obliged to conform themselves to the Declaration, they having found that instrument contrary to the tenor of the Concessions. They say, in making known their objections to the Governor and Council, they, "instead of returning a positive answer doe reflect upon the ability and understanding of the Deputies, and thereby explicitly denied the same, we are therefore necessitated in pursuance of the trust reposed in us to make this our publication against the said Declaration," &c.

The Council remind the House, "to the end that no encroachment or contradiction may be put upon the concessions," that no provision had yet been made by them for the support of the government.

October 29th.—The Council advise the House that the purpose of another conference which had been proposed was the removal, if possible, of all that obstructed the well settling of the affairs of the province.

October 29th.—The Representatives cannot discover from the Council's answer, the object of the conference.

October 29th.—The Council desire that a debate may be had of the whole General Assembly, (joint meeting,) and in another communication, [as if they themselves had just discovered it,] call the attention of the assembly to the fact that in the sixth article of the Concessions the Proprietors had reserved the right of alteration; and they say, "it is a matter of lamentation that the Representatives of

the Province, should be soe short sighted that they cannot see what he which runnes may read."

October 29th.—The Deputies, in answer, doubt the correctness of the application placed upon the sixth article.

October 29th.—The Council write that they had attended at the place and time appointed for the joint meeting, but the Deputies had not attended as promised :—They say, "Had we men to doe with all that have regard to their promises, it would be a happinesse both to us and the Province, you may doe well to call it to mind that as you bare the shape of men, you should acknowledge your error, and doe yourselves and the contrivers of the Breach soe much right as to joine in a Debate to be held by a Committee of the whole General Assembly, upon Monday next, by 10 o'clock of the same day, to the end that every member of the General Assembly, may see with his own eyes, and hear with his own ears, the things that concern the present bleeding condition of the whole province, to which time we have adjourned."

October 31st.—The Representatives, as if impressed with the weight of the suggestions of the Council relative to the sixth article, undertake to refute them.

October 31st.—The Council again remind the House of the required provision for the support of government, "according to the concessions."

October 31st.—The Representatives answer, that they are attending to their own and the country's business—"every thing is beautiful in his season," say they.

November 2d.—The Deputies were summoned by Captain James Bollen, (the Secretary of the Province,) Captain Henry Greenland, and Mr. Samuel Edsall, to attend immediately the Governor and Council. The Speaker desired time to consider the matter; whereupon Captain Bollen declared by order of the Governor, that "this pretended house of deputies be dissolved," and left with the members a paper, adopted by the Council on the 1st November, that objected to the style of General Assembly assumed by the Representatives. It said, "true wisdom would teach you better manners than to stile yourselves the General Assembly. Doubtless there was no want of Ignorance and disloyalty where this Bratt had its education, inasmuch as that the General Assembly consists of the Governor, Council, and Deputies, ergo the Deputies are

no General Assembly. It was Lucifer's pride that putt him upon setting himself where God never intended to set him; and his presumption produced or was forerunner of his fall; you sett yourselves where the laws of England, nor yet the Concessions of this Province, never sett nor intended to sett men that are but in private capacity, &c." They object that some of the members are not qualified, inasmuch as they do not hold freeholds in conformity with the concessions; and, in reference to the previous note received, they say it is evident they were "first for themselves, and then for the country:" "Private spirits in men in public employment, are the jewels that adorn your breasts."

The House of Deputies with one consent protested against the dissolution, as being contrary to the Concessions, and an innovation of the government.

Thus ended this singular correspondence, the Deputies having assuredly conducted their part of it with a much greater regard to decorum than characterized the share of the Council.

NOTE P, page 118.

It is presumed that the Deed from the Duke of York to the Twenty-four proprietaries direct, resulted from the following correspondence, taken from the New York Colonial Documents, Vol. III., pp. 329, 330.

Extract from a letter of the Register of Scotland to Sir John Warden, the Duke's Secretary, dated December 21, 1692:—

"I did write to you formerly of our desire who are Proprietors of East Jersey, to have our governem^t rather holden by Charter of his R^y H^{ty}, y^e as it is at p^rsent by transmission from our Authors: without any augmenta[']on of our priviledges, but only to be und^r y^e Dukes imediate protection."

SIR JOHN WERDEN'S ANSWER.

St. James's, 4 Jany., 8 $\frac{1}{2}$.

"MY LORD:—I should have answered yo^r Lords^{ps} of 21 Dec^r sooner, but y^t I have waited a good opportunity to make y^e proposall men'oned in yo^r lett^r, about the East part of New Jersey.

And now I am to desire a little farther explanation of w^t is aymed at in y^r proposall, y^t is, whether the Propriet^{rs} of East New Jersey designe to joyne y^t to New York (as heretofore) as a part of y^t governem^t and so share in it by sending their Representatives to y^e Assembly at New York, (in such number as may be agreed on, if it be thought fitt) and contributing to y^e publique charge in propor'on &c., or else whether haveing their governem^t in E. New Jersey holden by Charter from his R^{ty} High^{ness} immediately, rather than by transmission from their Authors, (as y^r L^{ty} expresses it,) and being und^r the Dukes protection be to be understood only of the Duke's confirma'on of their rights and possessions there, as they are derived unto y^m from Sir Geo. Carterett or his heires, by vertue of the Duke's grant heretofore to him and y^m.

Moreover, for the ease of negotiating y^r affayre, I desire yo^r Lords^{ps} will appoint some one (well instructed) empowered to answer such objections as may be started by his R^{ty} H^{is} Com^{rs} here, w^{ch} y^e is layd before them.

To the Rt. Hon^{ble},

the Lord Register in Edinburgh."

NOTE Q, page 133.

As the twenty-four proprietaries appear to have formed high anticipations of the beneficial tendency of the "Fundamental Constitutions" they proposed, a synopsis of them is here given, although they were never in force in the province; in order that they may be compared with the Concessions, which they were intended to supersede.¹

¹They are printed at length in Grants originals document is in the library and Concessions [p. 153], and the of the New Jersey Hist. Society.

ART. I. Provided for the election of a governor on the death or dismissal of Robert Barclay. Each of the proprietors to propose a candidate, and the one receiving the nomination of sixteen to be appointed for three years; and the actors in any scheme to lengthen his term to be considered public enemies and betrayers of the liberties of the province.

ART. II. The government of the province was to consist of a Great Council, composed of the twenty-four proprietaries, or their proxies, and one hundred and forty-four of the freemen of the province: but inasmuch as the towns were yet few, &c., twenty-four for the towns, and forty-eight for the counties, making with the proprietaries ninety-six persons, should constitute the council until the larger number should be deemed necessary, one-third of the members to be chosen annually, to serve for three years, and not to be eligible for re-election until two years had elapsed.

ART. III. Persons qualified as freemen were such as had in possession fifty acres of land, (ten of them cleared and cultivated,) and inhabitants of the province. If residing in boroughs, a house and three acres were requisite; or, should a hired house and lot be occupied, the possession of fifty pounds' worth of stock. The mode of election prescribed was, to put into a box the names of all qualified persons in the county, and fifty were to be drawn out; these fifty were then to be returned to the box, and the first twenty-five subsequently drawn were to be those from whom the persons whose names remained in the box, were to nominate twelve or eight, (according to the number eventually to be elected,) *from which number* the election was to be made by ballot. The nominators were obliged solemnly to declare before the Sheriff that they would not name any one known to them to have been guilty, for a year previous, of drunkenness, lewdness, or any such immorality, or who should be insolvent or a fool.

ART. IV. A quorum of the Council was to consist of half of the proprietaries, or their proxies, and half of the freemen; the votes of half the proprietaries and two-thirds of the freemen being necessary to pass a law.

ART. V. For the constant government of the province, a Common Council was to be created—composed of the proprietaries and twelve freemen to be balloted for out of the Great Council—to act with the Governor.

ART. VI. All laws were to be published in the name of the "Gov-

enor, Proprietors, and Representatives of the Freemen of the Province;" and to be signed by the Deputy Governor, Secretary, two Proprietors, and two Freemen.

ART. VII. The Concessions of the former Proprietaries relating to bearing arms, &c., were modified so as not to have them obligatory upon those who conscientiously considered themselves prohibited from the use of weapons: "Among the present proprietors there being several that declare they have no freedom to defend themselves with arms"

ARTS. VIII. and IX. The appointment of Secretary, Register, Treasurer, Surveyor General, Marshal, Sheriffs, Judges and Justices of the Peace, was confided to the Common Council and Governor; excepting the magistrates, &c., of Boroughs, who were to be appointed in accordance with the directions of the Great Council.

ART. X. The power of pardoning to be exercised only by the assenting votes of eighteen proprietaries.

ART. XI. The proprietaries might vote in both Councils by proxy.

ART. XII. Proprietaries holding offices of trust, only allowed to sit in the Councils by proxy.

ART. XIII. One-fourth of a propriety must be held to allow the person to retain his right of government.

ART. XIV. In all civil and ordinary actions, the proprietaries were to be liable to prosecution and punishment as all other persons, but for capital offences they were to be tried by twelve of their own body, or their proxies; the bill of indictment being first found against them by a grand jury of twelve proprietaries and twelve freemen chosen by ballot.

ART. XV. No proprietary was to hold more than one twenty-fourth of the province, and if by accident more should fall into the hands of any one, the mode was prescribed by which he was to dispossess himself of the surplus.¹

ART. XVI. Freedom of religious opinion was guarantied to all acknowledging one Almighty and Eternal God, and none to be compelled to frequent or maintain any religious worship, place, or minister; faith in Christ being made a necessary qualification for membership of either Council. This religious liberty, however, was not to

¹This provision agreed upon under taining an undue influence. Bill in an apprehension that Arent Soumans Chancery. Robt. Barclay vs. William, intended buying up "rights" and ob- Earl of Sterling, 1773, p. 10.

extend to the avowal of atheism, or irreligiousness, or to those who indulged in the practice of profanity, drunkenness, lewdness, murdering or any kind of violence, or "indulgence of stage plays, masks, revels," &c.

ART. XVII. After 1685 no person was to hold more than one office.

ART. XVIII. A registry for charters, rights, marriages, births, burials, servants, &c., was to be established.

ART. XIX. Trial by jury was guaranteed. Before the complaint of any person could be received, he should solemnly declare in court that he believed in his conscience his cause to be just. A court of appeals was established, composed of four proprietaries and four free-men, the Governor to be President of it *pro tem*.

ART. XX. Marriages not forbidden by the law of God might be solemnized, with the knowledge of parents or guardians and public notice, in the presence of creditable witnesses, "by taking one another as husband and wife," and filing a proper certificate of it, signed by the parties and witnesses, with the Register.

ART. XXI. A *solemn promise* to speak the truth was to be required from witnesses testifying in courts of justice.

ART. XXII. Fourteen years' possession to give an unquestionable title to lands, excepting against infants, lunatics, &c.; and estates forfeited for treason *to the crown of England*, or to the province, might be redeemed by the nearest of kin in two months after the death of the criminal, with not more than one hundred pounds, nor less than five pounds, as the Great Council might decide, &c.

ART. XXIII. No law to be in force more than fifty years—"to avoid an innumerable multitude of statutes"—excepting the "Fundamental Constitutions," which were not to be repealed except with the approbation of twenty-two proprietaries and sixty-six out of seventy-two, or and hundred and thirty-two out of one hundred and forty-four freemen.

ART. XXIV. The Governor, members of the Councils, and other officers, before they entered upon their duties, were solemnly to promise and subscribe to be true and faithful to the King of England and to the proprietaries, and faithfully to perform their duties.

NOTE R, pages 135 and 142.

As the publications referred to in the text, were influential in inducing emigration to East Jersey, and were among the earliest published descriptions of the province, it is thought advisable to reprint them. No original of the first is now known to exist. It is given here as it appears in Smith's History of New Jersey.

A BRIEF ACCOUNT OF THE PROVINCE OF EAST JERSEY IN AMERICA, published by the present proprietors, for information of all such persons who are or may be inclined to settle themselves, families and servants in that country. A. D. 1682.

To say anything in the praise, or much in the description of a country so well known, would seem needless. The late accounts and descriptions of the adjacent countries, West Jersey and Pennsylvania, which are much of the same nature, &c., might suffice; but considering that in foreign colonies, yea, here in England, every particular county has some excellency in soil, product or situation, that affect and delight many persons beyond the places adjacent, we may for the satisfaction of such, give some brief account thereof.

First, This province or colony lies between thirty-nine and forty-one degrees of latitude, being about twelve degrees more to the south than the city of London; and is bounded southeast by the main sea, east by that vast navigable stream called Hudson's river, which divides this from the province of New York; west by a line of division, which separates this province from West Jersey; and south upon the main land; and extends itself in length on the sea coast, and along Hudson's river, one hundred English miles and upwards.

Second. The conveniency of situation, temperature of air, and fertility of soil, is such, that there are no less than seven considerable towns, viz., Shrewsbury, Middletown, Bergen, Newark, Elizabethtown, Woodbridge and Piscataway; which are well inhabited by a sober and industrious people, who have necessary provisions for themselves and families, and for the comfortable entertainment of strangers and travelers; and this colony is experimentally found generally to agree with English constitutions.

Third. For navigation, it hath these advantages, not only to be

situate along the navigable part of Hudson's river, but lies also fifty miles on the main sea; and near the midst of this province is that noted bay for ships, within Sandy Hook, very well known not to be inferior to any harbor in America, where ships not only harbour in greatest storms, but there ride safe with all winds, and sail in and out thence as well in winter as in summer.

Fourth. For fishery, the sea banks there are very well stored with variety of fish for not only such as are profitable for transportation, but such also as are fit for food there, as whales, cod-fish, cole and hake fish, large mackrell, and also many other sorts of flat and small fish. The bay also, and Hudson's river, are plentifully stored with sturgeon, great bass, and other scale fish, eels and shell fish, as oysters, &c., in great plenty, and easy to take.

Fifth. The country is also plentifully supplied with lovely springs, rivulets, inland rivers and creeks, which fall into the sea and Hudson's river; in which is also much plenty and variety of fresh fish and water-fowl.

Sixth. There is great plenty of oak timber, fit for shipping and masts for ships, and other variety of wood, like the adjacent colonies, as chestnut, walnut, poplar, cedar, ash, fir, &c., fit for building within the country.

Seventh. The land or soil (as in other places), varies in goodness and richness, but generally fertile; and with much smaller labor than in England: it produceth plentiful crops of all sorts of English grain, besides Indian corn, which the English planters find not only to be of vast increase, but very wholesome and good in its use; it also produceth good flax and hemp, which they now spin and manufacture into linnen cloth. There is sufficient meadow and marsh to their uplands; and the very barrens there as they are called, are not like some in England; but produce grass fit for grazing cattle in summer season.

Eighth. The country is well stored with wild deer, conies, and wild fowl of several sorts, as turkeys, pigeons, partridges, plover, quails, wild swans, geese, ducks, &c., in great plenty; it produceth variety of good and delicious fruits, as grapes, plums, mulberries, and also apricots, peaches, pears, apples, quinces, watermelons, &c., which are here in England planted in orchards and gardens; these, as also many other fruits, which come not to perfection in England, are the more natural product of this country.

Ninth. There is also already great store of horses, cows, hogs, and some sheep, which may be bought at reasonable prices, with English monies or English commodities; or man's labour, where money and goods are wanting.

Tenth. What sort of mines or minerals are in the bowels of the earth, after time must produce, the inhabitants not having yet employed themselves in search thereof; but there is already a smelting furnace and forge set up in this colony, where is made good iron, which is of great benefit to the country.

Eleventh. It is exceedingly well furnished with safe and convenient harbors for shipping, which is of great advantage to that country, and affords already for exportation, great plenty of horses, and also beef, pork, pipe staves, boards, bread, flour, wheat, barley, rye, Indian corn, butter and cheese, which they export for Barbadoes, Jamaica, Nevis. and other adjacent islands, as also to Portugal, Spain, the Canaries, &c. Their whale oil and whale finns, beaver, mink, and racoon and martin skins (which this country produceth), they transport for England.

Twelfth. The situation and soil of the country may invite many who are inclined to transport themselves into those parts of America: for,

1. It being considerably peopled, and situate on the sea coast, with convenient harbors, and so near adjacent to the province of New York and Long Island, being also well peopled colonies, may be proper for merchants, tradesmen and navigators.

2. Its likewise proper for such who are inclined to fishery, the whole coast and very harbours mouths being fit for it; which has been no small use to the New England people, and may be here carried on also with great advantage.

3. For its soil, its proper for all industrious husbandmen, and such, who by hard labor here, on rack rents, are scarce able to maintain themselves, much less to raise any estate for their children, may with God's blessing on their labors, there live comfortably, and provide well for their families.

4. For carpenters, bricklayers, masons, smiths, millwrights, and wheelwrights, bakers, tanners, tailors, weavers, shoemakers, hatters, and all or most handicrafts, where their labor is much more valued than in these parts, and provisions much cheaper.

5. And chiefly for such of the above mentioned or any other, who

upon solid grounds and weighty considerations, are inclined in their minds to go into those parts; without which there going there cannot be comfortable, or answer their expectation.

Thirteen. The Indian natives in this country are but few comparative to the neighbouring colonies; and those that are there, are so far from being formidable or injurious to the planters and inhabitants, that they are really serviceable and advantageous to the English, not only in hunting and taking the deer and other wild creatures, and catching of fish and fowl fit for food, in their seasons, but in the killing and destroying of bears, wolves, foxes, and other vermine and peltry, whose skins and furs they bring the English, and sell at less price than the value of time an Englishman must spend to take them.

Fourteen. As for the constitutions of the country, they were made anno dom. 1664, and in the time of John lord Berkeley and Sir George Carteret, the late proprietors thereof; in which such provision was made for liberty in matters of religion and property in their estates; that under the terms thereof, that colony has been considerably peopled, and that much from the adjacent countries, where they have not only for many years enjoyed their estates, according to the concessions; but also an uninterrupted exercise of their particular persuasions in matters of religion; and we the present proprietors do determine, so soon as any persons here in England, or elsewhere, are willing to be engaged with us, we shall be ready and desirous to make such further additions and supplements to the said constitutions, as shall be thought fit, for the encouragement of all planters and adventurers, and for the further settling the said colony with a sober and industrious people.

Fifteen. Having with all possible brevity, given an account of the country, we shall say something as to the disposition of lands there,

1. Our purpose is, if the Lord permit, with all convenient expedition, to erect and build one principal town; which by reason of situation, must in all probability be the most considerable for merchandize, trade, and fishery in those parts; it is designed to be placed upon a neck or point of rich land called Amboy Point, lying on Rariton river, and pointing to Sandy-Hook bay, and near adjacent to the place where ships in that great harbor, commonly ride at anchor; a scheme of which is already drawn, and those

who shall desire to be satisfied therewith may treat for a share thereof.

2. As for encouragement of servants, &c., we allow the same privileges as were provided in the concessions at first.

3. Such who are desirous to purchase any land in this province free from all charge, and to pay down their purchase monies here, for any quantities of acres; or that desire to take up lands there, upon any small quit-rents, to be reserved; shall have grants to them and their heirs on moderate and reasonable terms.

4. Those who are desirous to transport themselves into those parts before the purchase, if anything there present to their satisfaction, we doubt not but the terms of purchase will be so moderate, equal and encouraging, that may engage them to settle in that colony.

Our purpose being with all possible expedition to dispatch persons thither, with whom they may treat; and who shall have our full power in the premises.

As for passage to this province, ships are going hence the whole year about, as well in winter as summer, Sandy-Hook bay being never frozen. The usual price is five pounds per head, as well masters as servants, who are about ten years of age, all under ten years and not children at the breast, pay five shillings; sucking children pay nothing; carriage of goods is usually forty shillings per ton, and sometimes less, as we can agree; the cheapest and chiefest time of the year for passage, is from midsummer to till the latter end of September, when many Virginia and Maryland ships are going out of England into those parts; and such who take then their voyage, arrive usually in good time to plant corn sufficient for next Summer.

The goods to be carried there, are, first, for people's own use, all sorts of apparel and household stuff, and also utensils for husbandry and building: secondly, linnen and woollen cloths and stuffs, fitting for apparel, &c., and which are fit for merchandize and truck there in the country, and that to good advantage for the importer, of which further account will be given to the enquirer.

Lastly. Although this country, by reason of its being already considerably inhabited, may afford many conveniencies to strangers, of which unpeopled countries are destitute, as lodging, victualing, &c., yet all persons inclining into these parts must know, that in their

settlement there they will find their exercises ; they must have their winter as well as summer, they must labour before they reap, and, till their plantations be cleared (in summer time) they must expect (as in all those countries) the musketos, flies, gnats, and such like, may, in hot and fair weather, give them some disturbance, where people provide not against them, which as land is cleared are less troublesome.

And all such persons who desire to be concerned, may repair to Thomas Rudyard or Benjamin Clark, in George Yard, in Lombard street ; where they may view the constitutions, the scheme of the intended town, the map of the country, and treat on terms of purchase. William Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Willcocks, Ambrose Rigg, John Heywood, Hugh Harthorne, Clement Plumstead, Thomas Cooper, are the present proprietors of East Jersey ; but their purpose is to take in twelve persons more, to make up the number of proprietors twenty-four.

PROPOSALS by the proprietors of East Jersey, in America, for the building of a town on Ambo Point, and for the disposition of lands in that province ; and also for encouragement of artificers and labourers that shall transport themselves thither out of England, Scotland and Ireland.

FORASMUCH as Ambo Point is a sweet, wholesome, and delightful place, proper for trade, by reason of its commodious situation, upon a safe harbour, being likewise accommodated with a navigable river, and fresh water, and hath by many persons of the greatest experience and best judgment, been approved for the goodness of the air, soil, and situation.

We, the proprietors, purpose by the help of Almighty God, with all convenient speed, to build a convenient town, for merchandize, trade and fishery, on Ambo Point ; and because persons that hath a desire to plant there, may not be disappointed for want of proposals, we, the proprietors, offer these following :

First. We intend to divide fifteen hundred acres of land upon Ambo Point, into one hundred and fifty lots ; which lots shall consist of ten acres the lot ; one hundred of the lots we are willing to sell here, and fifty we reserve for such as are in America, and have long desired to settle there.

Secondly. The price of each lot will be fifteen pounds sterling to such who purchase before the 25th of December, 1682; and to such who purchase afterwards, before the 25th of Decembbr, 1683, twenty pounds sterling.

Thirdly. Every lot is to be as equally divided as the goodness of the place doth require, and the situation can admit.

Fourthly. The most convenient spot of ground for a town, shall be divided into one hundred and fifty equal shares, and set out into streets, according to rules of art; and no person shall be preferred before another in choice; whether purchaser or proprietor.

Fifthly. We reserve four acres for a market place, town house, &c., and three acres for public wharfage.

Sixthly. Each purchaser is obliged to build a dwelling house in the place designed for the town, and to clear three acres of upland, in three years, or else the proprietors to be reinstated in such lots wherein default is made, repaying the purchase money.

Seventhly. We the proprietors do within a year, hope, by God's assistance, to build for each of us, one house upon Ambo Point; which we intend shall stand in an orderly manner, according to the best and most convenient model. And in pursuance of the design of the propositions abovesaid.

Eighthly. And for the encouragement of carpenters, joiners, brick and tile makers, bricklayers, masons, sawyers, and labourers of all sorts, who are willing to go and employ themselves and servants, in helping to clear ground, and build houses upon the general account of and for the proprietors.

The said proprietors will engage to find them work, and current pay for the same, in money or cloths, and provisions of which there is plenty (as beef, pork, corn, &c.,) according to the market price at New York, during the space of one year at least, next after the 25th of December, 1682; in which time (through God's blessings and their industry) they may have got wherewith to buy cows, horses, hogs, and other goods, to stock that land, which they in the mean time may take up, according to the concessions; neither shall such persons pay rent for their said land, so long as they are employed in the proprietors work; and their wages shall at all times be so much as other artificers and labourers, in the said province usually have; nor shall they be obliged to work for the proprietors longer than they find encouragement so to do.

Ninthly. And for the more ready and certain employing those workmen and labourers that shall transport themselves to East Jersey; this is to let all labourers and persons that shall transport themselves know, they must upon their arrival upon that place, repair to the register of the above said province, and enter themselves according to their respective qualities and designs, and thereupon they shall be entered into the service and pay of the proprietors.

FOR DISPOSITION OF LAND IN EAST JERSEY.

THE governor of East Jersey, by and with the advice of his council, is to direct that all lands to be set and laid out for counties, tribes, cities, or parishes, according to the general concessions of the said province, be bounded and set in manner following, viz: That all such lands be divided into seven equal lots or parts; one of which seven parts is to be first set out by lot for the use of the proprietors; and the other six parts to be taken up according to the following concessions:

First. That the planting of the said province may be the more effectually promoted, We do hereby grant unto all persons who shall transport themselves, their wives or children, unto East Jersey, and settle there according to the following concessions, by the 25th of December, 1684, twenty-five acres of land for each head, whether wife, child, or servant, which servant shall be bound to serve the term of three years at least within the said province; and for every such master of a family, fifty acres; the said persons so imported are to be registered in the secretary's book of entries, to be kept for that purpose, and the imported to pay to the secretary for fees of attending that service, and entring them, twelve pence each head; and every servant, male or female, who shall be so imported and registered by the twenty-fifth of December, 1684, shall, at the expiration of that time, have liberty to take up the quantity of thirty acres for their own uses; and all the aforesaid importers, and persons imported, who are hereby allowed to take up land, shall have and enjoy the same, under the terms and concessions following:

Secondly. Forasmuch as this province is already considerably peopled and improved, (there being seven towns at least already settled upon it by English people.) and that no person is constrained by our concessions, to take up and pay for land which is barren and unprofitable; nor can it be reasonably supposed, that people should

in this province, be now exposed to the like hazards and difficulties that others must look to meet with in those plantations that are less inhabited and more remote, and for situation by sea and land, not so commodiously placed for trade: Therefore we think it very reasonable and moderate, that all and every person and persons, shall have his and their respective quantities of land set out at two pence an acre, yearly rent, to be paid into our receivers office, either in money sterling, or in such commodities as the growth of trade of the province affords at the merchants price there; but whosoever is willing to buy off his yearly rent, and become a freeholder, may so do, paying after the rate of twelve years purchase, which comes to fifty shillings for a lot of twenty-five acres, and so paying after the same rate for a greater or less quantity.

Thirdly. And forasmuch as it will be most commodious for planters to live together, whereby they may be a meet help to each other: It is ordered that all the purchasers and takers up of land, shall sit down by some village or township already laid out, or to be laid out hereafter, in the said province; and having chosen the village or township, which shall be most convenient and profitable for their business, the surveyor general shall set forth to the said persons, such quantity of lands, to them granted out of the aforesaid six parts, which are not then taken up; they paying to the said surveyor general, the usual rate of surveying in the said province; and if any person going or sending over, is willing to have a greater parcel of land than twenty-five acres, he may purchase, but not more than one hundred acres; he paying down, at the sealing of his grant, for the same, after the rate of ten pounds by the hundred acres; and so more or less for a greater or lesser quantity.

Fourthly. And if any person is willing to buy land, and yet for the present is not disposed to plant there; he may do so, paying down here for his grant to the proprietors, according to the rate aforesaid. Provided, that all those persons, who by these concessions shall take up land, be enjoined to build one dwelling house, on some part of their land, within the space of seven years, next after the 25th of December, 1682; and in case of default, one half of their land to return back to the proprietors.

THE FOLLOWING are extracts from the second publication referred to in the text, the remaining portions being incorporated in Scot's "Model of the Government of East Jersey," appended to this volume. The only copy of the original known, which the author has had the pleasure to examine, is in the possession of Samuel L. M. Barlow, Esq., of New York. These extracts are given as they appear in the reprint of the original in the Historical Magazine.¹ [New York, Vol. I., 2d series.]

It is a Matter beyond all Question, that Plantations in *America*, is a thing of a great Advantage to the Nations of *Europe*, which hath made each of them, since the discovery of it, seek so earnestly to have Interest there. And since there is hardly any but has some footing, except SCOTLAND (the project of *Nova Scotia* having proved unsuccessful) yet not any to whose advantage it would so much Contribute, without the hazard of those Difficulties, that may befall others by such Colonies.

The chief Reason against Forraign Plantations being the drawing too many Inhabitants out of the Nation, and so leaving the Countries at Home unfurnished of People. This is that which makes some say that *Spain* is rather a lossier than a Gainer by their Forraign Plantations: But (beside the bareness of the *Spanish Nation*; the extream heat of their Plantations; The Unhealthful Imployment of Working in their Mynes; add thereunto the just Displeasure of the Almighty at their barbarous and cruell Usage of the Natives, which justly takes away a Blessing from them, without which all Endeavours are vaine and fruitless.) Our Countrey is in no danger of Hurt that way, for we could spare several thousands every year, without the least prejudice of such as stay at Home, and to the great Advantage of those going Abroad; Yea, were there but a way opened (as by the Providence of GOD, there seems one now in a good

¹ The original is a small quarto, of fifteen pages, including the title-page. and is entitled:

"A | Brief Account of the | PRO-
VINCE | OF | EAST-NEW-JARSEY
| IN | AMERICA: | Published by the
| SCOTS PROPRIETORS | having
INTEREST there | For the information

of such, as may have a Desire to
Transport them- | selves, or their Fam-
ilies thither. | WHEREIN | The Nature
and Advantage of, and Interest in a
Forraign Plantation | to this Country
is Demonstrated. | EDINBURGH, |
Printed by JOHN REID, Anno DOM.
1683. | "

measure) that such, who however do daily go out of SCOTLAND, upon a certain sort of Necessitie to seek their fortune, might find an Opportunity of a Forraign Plantation, there might in an Age, as large and plentiful a Colony of *Scots-Men*, be abroad as *Scotland* is at home, not inferior to *Scotland* in number, and farr exceeding it in Riches, and all other Conveniences. Which; as it would be an Honour to our Nation, so would it give great satisfaction to most of People here, to understand their Friends and Relations were living so plentifully, and it would be a comfortable Receptacle for any here, whose Circumstances made them uneasy at Home.

To make this more manifestly appear, let it be considered what number of People have gone out of *Scotland* since the year 1618, That the Warrs began in *Germany*, since in the *Swedish Armie*, at one time there was said to be 27 *Scots Collonells*: And into *France*, to *Dowglas Regiment*, from time to time, We believe it will be granted but a modest Calculation to affirm there hath been many thousands, and yet of that Vast Number few have ever returned, or had Succession; scarce any Family hath remained Abroad in any Comfortable Settlement. And to be sure, not the 10th part hath ever returned, that their Equipping them abroad coast; they all, either dyed, or been killed there, without any benefit to our Countrey, but an empty Fame; Which is now in those parts little or nothing considered.

Yea, it may be well affirmed, that the charge of *James, Marquesse of Hamiltoun* his Expedition in the year 1631. coast four times more than ever all our Souldiers of Fortune brought home to *Scotland*. Now, if these People had gone over to some Forraign Plantation, and had but a Proportionable number of Women with them, which this Countrey could easily have spared, what a brave and large Collonie would there have been by this time, and very advantageous to *Scotland*, as shall after be made appear.

Both the Gentry and Commonalitie of our Countrey being very fruitful, and the Law giving to the Elder Brothers, all their Fathers Estates, and that of the younger being but small, It is known, how they are for most part put upon the Rack for a comfortable Livelihood, the Session-house is not able to contain the hundred part of them; Where sometimes also the elder Brothers will have their share, and six or seven Advocates make, for most part the Lives of all the rest, but a miserable and tedious Drudgery, so that they are

either forced to go abroad upon their Shifts, whence few or none of them ever return; or otherwise, if they stay at home, hange upon the Laird in a most slavish and sordide manner, which is a great Debase-ment to the Spirits of many, and a defeating of good Improvements they might make in the Creation, for by Birth and Education being Equal till they come to be Men, then their Spirits are spoiled by so great inequality afterwards.

Now these Younger Brothers having but an 1000. or 500. *Acres* of Ground in a Forraigne Plantation, with a 100. *lb. sterling* to stock it, which the most ordinary of their Portions might reach to, might, by a very moderate Industry, live as comfortably as their Elder Brothers at home, and provide their Children better; and each of those would not want enough of the Commonality to go alongst with them, upon the Encouragements they might receive to be their Ser-vants.

And the Voyage to a Plantation here proposed, is become so easie, and the Intercourse so frequent, that a Correspondence would be as ordinar as is betwixt the *South* and *North* parts of this Nation. Yea, a great deall more than is usual betwixt *West* and *Northern-Islands*, and the other more frequented parts of the Countrey.

It is also generally known, how hardly the Husbandmen here do live, and with how much Toil and Difficulty they are able to pay their Rents, and have any comfortable Lively-hood; The Reason whereof is, That, especially near the Sea-side, and most inhabited places, they are be far overthrong, and one might Manure what two or three have: For by seeking to have so much *Corn-Land*, they *eat out the Substance of it*, wearie themselves, and wrongs their Land-lords: So that, if there were fewer of them, and each of them had more Land, and lesse in Corn, and more upon Grasse for Bestial, they would have a greater ease, and their Masters would be better paid; But they not knowing how to dispose of themselves other-wise, makes them thus throng one upon another, and render one another miserable.

Now there would be a notable Remedy for this in a Forraign Plantation, for a Husbandman that hath two or three *thousand Merks* in Stock (as most of them have) might transport himself, his Wife, and his Family, and get a little Plantation at so easie tearms, in a short time so stocked, that he might live more Comfortably, plenti-fully, and at lesse Labour than many of the Masters do here.

It is also known, that ordinar Servants here, after they have served 6. or 7. years in the pryme of youth, can hardly, the most Thrifty of them (over what serves them in Cloaths) gather so much together, as when they Marry, and come to have Children, will be the beginning of any Comfortable Lively-hood: But there after 4 years, they may be in a far better Condition, as shall hereafter be demonstrated.

There needs no other, nor more evident proof than this, then the example of most of those, who, being taken at the fights of *Dunbar* and *Worcester* in the years 1650 and 51, being sent over as Servants to *Barbadoes*, and other places, after they served out their time, have most of them purchased notable Plantations for themselves, both in *Barbadoes* and *Mary-land*, and els-where, and live very plentifully, accounting themselves happy in that providence that brought them there, and extreemly regrating the Condition of many of their friends at home, and wishing them sharers of their prosperitie.

But some, who will readily acknowledge what has been here said, doe think it impracticable for our Countrey-men to have this advantage. Because there is no forraigne plantation in *America* belongs to the Crown of *Scotland*, and all of such, where we could settle, are a part of the *English* Dominions.

It shall not be contended, but it were well there were some belonging to *Scotland*, for that it is not proper to Contradict what might be esteemed honorable to this Crown. But those, who Judge all the advantages above mentioned might not arise to us, from having an interest in a plantation under the protection of the Crown of *England*, are under great mistakes; yea as things now stands, it is more advantageous to us, if it be considered.

1. That, tho it be under a different respect, Yet we are still under the same Monarch, as if the plantation belonged to the Crown of *Scotland*. 2. The protection is much more sure and considerable from *England*, whose interest oblidge them, because of the great advantage yearly comes in to them from thence, to see to the Protection of the forraigne plantations, and all of these lying upon the main Continent being contiguous, no encroachment can be made upon part without endangering the rest: And for the capacitie of defence, there is no need of Comparison; *Scotland* having no ships of warre upon the publick accompt, and it's pollicy not lying in that Method. If the scruple be, that any think there are things uneasy in the Laws

of *England*, that are better with us, There is thence no occasion of being straitned, for, as will after appear, the Plantation here proposed, has that Latitude in the Patent, that they are not tyed to the Laws of *England* so particularly, but they may let fall what they think inconvenient, and take of *Ours* what seems to contribute more to their advantage.

There would this visible disadvantage besides fall out, if the Plantation were disjoyned from the *English* Dominions, that by the act of Navigation we would be debarred from trade with the other *English* Plantations, which would be a verie great prejudice. But no disadvantage on the other part does come, for we can be allowed to carry over as many people as we please, with their Cloathing and necessaries, which the chief thing whereby advantage would come to *Scotland* in the accommodating of people of several sorts, as We observed before. And the goods which are of most Value, and most necessary there, are such things as our Country affords most plentifully, such as all sorts of Wollen and Linnen-Cloath, and the like; so that there is occasion for Export of our Commodities, and the trade of *Scotland* consists much more in that, then in Import; there being not that occasion here for Consumption of forraigne Commodities, and the product of the Plantations there not being Suggar or any Store of Tobacco, is not fit to be imported in *Scotland*: So that the product of the Plantation coming to *England*, according to Law, if the money be from thence remitted to us for the transport of People and our Commodities, it will make a Circulation of Trade as advantageous for us; Yea, more then if returns come straight home, which would not so soon afford money in *Scotland*.

It is true if trade were absolutely as free 'twixt *Scotland* and there as in *England*, it might be an encouragement to *Scots* Shipping and Seamen. But for that, it may be answered, that Ships built in the Plantations (where there is great conveniency for building of Vessels) will be free to come to *Scotland*, as well as any other *English* Ships; and 2, part of the Sea-men being Inhabitants of the Plantation who by dwelling there are *Denizens* of *England*, satisfies the Law; So that, tho the Ship be not a *Scots* Ship, yet it may belong to *Scots-men* dwelling in the Collonie, and sailed with Sea-men belonging thereto.

It is time now to show how some of our Country-men, in order to so advantageous a Project, have already purchased an considerable Interest in a Plantation, which is justly esteemed not Inferiour, if not

beyond any place, upon the whole continent of *America*, belonging to the *English* Dominions, called *East-New-Jersey*. The deduction of the right of it is thus,

The KING by Patent to the Duke of *York*, granted a great tract of Land lying betwixt *Virginia* and *New-England*, It was formerly in the hand of the *Dutch*, and Considerably improved by them, and called *New-Netherlands*, And by treaty after the first *Dutch Wars*, Surrendred to the King that part of it, lying betwixt *Delaware* and *Hudsons River*, called *New-Cesaria*, or *New-Jersey*; which is betwixt the 39 and 41 Degree of Northern Latitude: Was by the Duke of *York* granted to *John, Lord Barkly*, and *Sir George Cartwright*. That part, which belonged to the Lord *Barkley*, being assigned to *Edward Billings*: Afterwards by a Deed of Partition betwixt the said *Edward Billings* and *Sir George Cartwright*, the West Part, lying upon *Delaware River*, was allotted to *Edward Billings* for his share, and the East part, lying upon *Hudsons River*, nearest to the Province of *New York*, was appointed to *Sir George Cartwright* for his share. Which part, now called *East New-Jarsay*, is from *Sir George Cartwright* conveyed to twelve Persons in and about *London*, who have since conveyed an half to other twelve, so that as well the Right of Government as the Soyl, standeth now in 24 Proprietors, in favours of some of whom, the Duke of *York* has been lately pleased to make a new grant of Confirmation, both of Soyle and Government to the 24 Proprietors, with the same Powers and Priviledges, he has in his Patent from the King, which are as large as any other Plantation hath, for the Words of the *Dukes* Patent are as followeth;

[Then follows, in the original, the Patent from Charles the Second to James, Duke of *York*, the date, as in the first publication, being June 29th instead of 12th March.]

The SCOTS Proprietors are, *James, Earl of Pearth, John Drummond of Lundy*, Lord Treasurer Depute, *Sir George Mackensie*, Lord Register, *Robert Fordon of Cluny*, *Arent Sonmans* (a *Dutch-man*, but interested with the SCOTS Proprietors) *Robert Barkley of Vrie*, *Robert Burnet of Lethenty*, *Gavine Laurie*; Seven parts of the 24. belongs to these Persons, which, by the most modest Calculation, is thought, will be near *Five hundred thousand Acres*.

This Province or Collony lyes betwixt 39 and 41 Degrees of Latitude, &c.

[Then follow several paragraphs as given in Scot's "Model of the Government of East Jersey," on pages 65 to 72 inclusive, to be found appended to this volume.]

There are already 3. of the 24. Proprietors, gone upon the place, and 2. goes this Summer from *Ireland*, these already arrived, have been cheerfully received by the Inhabitants, and submitted to, the Houses belonging to the Proprietors, put in their possession, and publick Records delivered them, and have received address from the Inhabitants, wherein they promise to stand to, and defend the Proprietors, with their Lives and Fortunes: One of these Proprietors Bears the Character of *Depute Governour*, and another of *Surveyor General*, and *Receiver* of the *Quittrents*.

There is Order given that in the several most convenient Places, *Ten thousand Acres* be set out to each of the 24. Proprietors to them to sell, set out, or dispose of, as they please; and when that shall be any ways Peopled or brought in, then the Proprietors will either jointly sell out the rest, or make a new Divident, as they find most convenient, for it is probably believed, according to the most equal Cojecture, that every 24. part will contain 80000 *Acres*.

The Proprietors have framed a new Schem of Government, &c.

[As in Scot's Model, on pages 101 to 104.]

For the matter of Purchase, It may be by purchaseing a whole proprietie, or a half, in which several persons may joyn, and tho the number be already filled up, yet if any persons here, offer to the proprietors, of whose Integrity and Industrie they are satisfied, they might use means to make room for them, and albeit the pryces be much advanced within this year, yet, it may be made appear, that a purchase of a Propriety may be had here more easily, than any of the Neighbouring Plantations.

These that are not disposed, or have not Stock for such a purchase, may buy a certain number of *Acres* from any of the Proprietors, as a part of the 10000. to be set out to each of them this Summer; and, tho the price of that may seem higher, then what is usually talked of in some other Plantations, yet, considering the choice of the Land, and the advantages of scituation for Trade, with the consideration of its being so well Peopled already, which is the chief thing makes Land valuable, (for in a Wilderness a great dail of Land signifies little) It will be found a good Bargain, and a very modest

price, to give a 100. *lib. sterling* for 500 *Acres*, at which Price it may be afforded any time before the first of *October* next, and not afterwards.

The Proprietors have also Ordered to be set out upon a place, called *Ambo point* (which has a good and convenient Harbour, and a pleasant and wholesome place) 1500. *Acres* for to build a Town, this is to be divided into 150. Lots, and every Lot is to consist of ten *Acres*, and is to be sold at 20 *lib. sterling*, provyding it be done before the first of *July* next, before the ship go from SCOTLAND; For, after that time we cannot promise to accommodate any, least all be taken up, for many are offering upon the place; and the Proprietors intend to have each a house built there, upon their own Account this Summer; now this will be found a very good Bargain, considering there is 300 of the 1500. *Meadow* ground, so that each lot is like to have 2. *Acres* of *Meadow* ground belonging to it, which is of great value.

For *Husband-men* that hes a Stock, &c.

[As in Scot's Model, on pages 104 to 108.]

There will a Ship go from *Leith* about *Mid Summer* next, which will also call at *Aberdeen*: such as desire to be more fully informed, or to treat with any of the Proprietors, may address themselves to *Andrew Hamiltouns*, at the sign of the Ship, over against the Court of Guard, in *Edinburyh*; or at *David Falkconers, Merchant* there, who will either give them satisfaction, or find them occasion to treat with some of the Proprietors. Also, at *Aberdeen*, information may be had from *George Pyper*, and *Thomas Mercer*, who will be heard of at *Robert Gerards*, or *John Leitch*, their Shops in the *Broad-Gate*.

NOTE S, page 141.

GOVERNOR DONGAN was accused by the Scotch proprietors of endeavouring to subvert their authority in East Jersey, but appears to have exonerated himself from the charge, excepting so far as a recommendation of a change of government went. The correspond-

ence between them is in the New York Colonial Documents [Vol. III. pp. 348-353], and as it serves to throw some light upon the history of that period, it is here given.

"Earl of Perth and other Proprietors of East Jersey to Governor Dongan."

"SIR—Wee did promise ourselvees in you a good and kind neighbour both, judging you would haue so inclined to a Colony wherein wee are soe much concerned, And that the regard you haue to your Maister's honnor and intrest would have obliged you to it, considering wee are such as haue the happiness to claim ane interest in his fauo^r.

"We haue discoursed with his Commissioners at London of these things y^t were by you proposed in relation to the bringing our Colony under the Government of New Yorke, and doubt not but wee haue convinced them of the reason which induced us not to yeald to such a proposall, and wee Doubt not both the Duke and they are fully convinced of our right in evrie Respect; both of Gouvernment, Ports, and Harbours, free-trade, and Navigation, and hauing spoke to the Duke, wee found verie just and to abhorre the thoughts of allowing any thing to be done contrary to what he hath past under his hand and Seall; And we persuade ourselues you will lay aside all thoughts of attempting what may reflect upon the Justice or honnor of Your Maister, or may giue us just reason to complaine; Since there shall be no thing wanting on our Part that may tend to ane advantadgious correspondance; which, as wee expect from you So shall be seriously recom^dended by us to our agents and always entertained, By your assured friends and seruants.

PERTH
GEO. McKENZIE
DRUMMOND."

"Edinburgh, 22d August 1684.

"For Collonell Dungan Lieutⁿant to his R. H. in New York and Commander in chieffe of all his territories in America."

Governor Dongan to the Earl of Perth.

"MY HONORD LORD—I had y^e honor of a Letter from you and some other Proprietors of East Jersey, and am mightily surprised to find by y^t letter y^t I am accused to act some things to y^e Disad-

vantage of your Colony and Dishonour of my master, Did I know my accusers and y^e crime objected I could be better able to answ^r.

"My Lord, Y^r Lordship may beleev me I have acted nothing unjustly to y^e prejudice of your agents or people: It is so far from it y^t when I found them take wrong measures I advised them for y^t best as I thought, both for y^e proprietors and people. What complaints they make of me I know not, but am sure the people cry out very much against them. What I wrote to his R^h High^m and his Commissioners, as his servant, I was certainly obliged to, and to give my opinion what is Convenient for y^e Intrest of this Province, and I beleve, had your Lordship bin in my station, you would haue Rep^rsented y^e great inconveniencys of hauing two distinct Governments uppon one River; yours hauing y^e advantage of being some Leagues nearer y^e sea than wee are.

"Your agents have dispersed printed papers, to y^e disturbance of y^e inhabitants of Staten Island It hath been in possⁿ of his R^h High^m above twenty years, (except y^e little time y^e Dutch had it,) purchased be Governor Lovlace of y^e Indians in the time of S^r George Carteret, without any p^tences till your agents made claim to it, it is peopled with above two Hundred Families.¹ My Lord, to convince yo^r Lordship y^t I haue done nothing amiss in writing how convenient it would be to regaine East Jersey, I do assure you y^t some of the Proprietors themselves are of the same oppinion, and have told me so, and to shew yo^r Lorshipp how ffavorably I act, I am informed y^t, in time of other Govern^m ships that came to Amboy made entry at New York, yet during my time, severall shipps haue gone thither & I have desired no such thing, nor will I untill I am assured of his R^h High^m pleasure about it. It shall not be my fault if there be not an advantagious Correspondence, who will always endeavour to prove y^t I am yo^r Lordships most obedient humble servant.

THO: DONGAN."²

¹ Reference to the E. J. Records, A. p. 2, will show that Lady Elizabeth Carteret directed Secretary Bollen, March 28th, 1681, to present a claim for this island. "You are to Lay Claim to Staten Island as belonging to Us according to his Royall Highnesses Grant." Although always in the possession of New York, the question of

jurisdiction remained a mooted point until 1833, when the water boundary between the two States was established by a commission.

² Chalmers conjectures that this answer, indicating too much lukewarmness in the Duke's service, tended to Dongan's recall through the use made of it by his opponents; but it is more

"My Lord, I had almost forgotten to tell yo' Lordshipp, y^t to the end a fair Correspondence may be p^rserved between these Governments, in an Act lately made by y^e Assembly, amongst other things, almost equall priviledges were allowed to East Jersey with this Province, & all y^e thanks I have is to be misrep^rsented."

"*New York, ffebruary y^e 13th, 1684-5.*"

The exact purport of the suggestions made by Dongan, referred to in this correspondence, has not been ascertained; it is presumed, however, to have been similar to that of those made subsequently; to which as they evidently had an influence on after events, reference will here be made.

Sir John Werden, in a letter to Governor Dongan, under date of August 27th, 1684, writes as follows: "You say Captain Billop will sell his plantation on Staten Island,¹ and if he does, certainly 'tis best that you endeavor to procure some inhabitants of New York rather to buy it than to suffer any of those of New Jersey to do it; but whoever buys land in that island, it being under your government, he must be liable (as well as others) to the laws thereof," and under date of Nov. 1st, 1684, he says, "Staten Island without doubt belongs to the Duke, for if Sir George Carteret had had a right to it, that would have been long since determined." Unfortunately for Sir John's argument, many of the undoubted rights of Carteret and his successors were not determined until some time thereafter.²

Extract of a letter from Governor Dongan to Sir John Werden, dated February 18th, 1684-5. "Billop's Plantation is opposite to Amboy and, if vessels be permitted to come there and not enter at

probable, as he was not suspended until some after, that it was owing to an idea entertained by James that he wanted zeal for his religion, in not rendering the Roman Catholic faith as prominent in the province as was desirable. See Grahame's U. S. and Dunlap's New York.

¹There is a tradition that Billop received this plantation (extending originally over a large portion of Staten

Island,) as a *douceur* from the Duke of York for his gallantry in some naval engagement.

²For a presentation at length of the disputed title to Staten Island, see Proceedings, N. J. Hist. Soc. Vol. X, article on "Eastern Boundary of New Jersey." Nicolls complained in 1666 that Governor Carteret had already put in a claim for the Island. N. Y. Hist. Soc. Coll. 1869, p. 116.

New York, it will be impossible to hinder y^e putting goods ashore on Staten Island. There was a report that hee intended to sell it to one of East Jersey, I think it would doe well if you please to look into the last patent of East Jersey to see whether shipping bee obliged if they come into Sandy Hook to make entry at New York, the Quakers making continual pretences to Staten Island, disturbs the people, more than two hundred families are settled on it. And in case His Royal Highness cannot retreive East Jersey, it will doe well to secure Hudson's River and take away all claim to Staten Island :” and he suggests the running of the line from the Hudson to the Delaware, in order that the Indians may be prohibited from crossing it in order to trade with the settlers in East Jersey.”

Two years thereafter, on the 22d February, 1686-7, the Governor wrote to the Lord President of Council, suggesting again the re-annexation of East Jersey in order that his government might support itself; and as it shows the views of the New York government respecting the province, the following statement sent by him under the same date in answer to some inquiries propounded, is given at length from the New York Colonial Documents :

“As for East Jersey, it being situate on the other side of Hudson's River, and between us, and where the river disembogues itself into the sea; paying noe Custom and having likewise, the advantage of having better land, and most of the Settlers there out of this governm^t, wee are like to be divested of a great many of our Merchants whoe intend to settle there, if not annexed to this government. Last year two or three ships came in there, with goods, and I am sure that that country cannot,—noe not with the help of West Jersey, consume one thousand Lb. in goods in two years, soe that the rest of these Goods must have been run into this Governm^t without paying his Maj^{ty} Customs, and indeed there is no possibility of preventing it. And as for Beaver and Peltry it is impossible to hinder its being carried thither, the Indians value not the length of their journey, soe as they can come to a good market, which those people can better afford them than wee, they paying noe Custom nor Excise inwards or outwards.

“Another inconveniency by the Governments remaining as it does, is, that privateers and others, can come within Sandy Hook and take what Provisions and Goods they please from that Side. Alsoe, very often shippes bound to this place, break bulk there and run their

Goods into that Colony, with intent afterwards to import the same privately and at more leisure into this Province notwithstanding their Oath, they saiving themselves with this evasion, that that place is not in this Government. To day an Interloper landed five Tun and one half of teeth there. To prevent all which inconveniences and for the securing of this place from Enemys, I desire to have an order to make up a small Fort with twelve guns upon Sandy Hook, the Channel there being so near the shore that noe vessel can go in nor out, but she must come so near the Point that from on board one might toss a biscuit Cake on Shore.

"If the Proprietors would rightly consider it, they would find it their own Interest that that place should bee annexed to this Government, for they are at a greater charge for maintaining the present Governm^t than the whole Profits of the Province (which is by quit Rents) will amount unto; for they are at the whole Charge, the Country allowing nothing towards its support soe that had they not the charge of the Governm^t they might put that money into their own pockets.

"And indeed to make Amboy a port will be no less inconvenient for the reasons aforementioned, neighboring colonies being not come to that p^rfection, but that one Port may sufficiently serve us all. We in this Government look upon that Bay that runs into the Sea at Sandy Hook to be Hudson river, therefore there being a clause in my instructions directing me that I cause all vessels that come into Hudson's River to Enter at New York, I desire to know whether his Maj^{ty} intends thereby those Vessels that come within Sandy Hook, the people of East Jersey pretending a right to the River so farr as their Province extends, which is eighteen miles up the River to the Northward of this Place.

"West Jersey remaining as it does, will be noe less inconvenient to this Government for the same reasons as East Jersey, they both making but one Neck of Land, and that soe near situate to us that its more for their convenience to have commerce here than anywhere else, and under those circumstances, that if there were a Warr either with Christians or Indians, they would not be able to defend themselves without the assistance of this Governm^t. To be short, there is an absolute necessity those Provinces, and that of Connecticut bee annexed."

In September, 1687, he again alludes to the subject,—and in the

March previous the city of New York, in an address to the King, petitioned for the annexation.

It is probable that Dongan's first movement in the matter was prompted by memorials presented to him by the Mayor and Council of New York, in February and March, 1684, complaining of the injurious effect the vicinity of East Jersey had upon the affairs of the city: and praying that it might be annexed "by purchase or otherwise."¹

NOTE T, page 196.

THE following is the proclamation referred to in the body of the work:

"By the Governor. A Proclamamation.

"It being very necessary for the good and prosperity of this Province that our principal care be in obedience to the laws of God and the wholesome laws of this province, to endeavour, as much as in us lyeth, the extirpation of all sorts of looseness and prophanity, and to unite and join in the fear and love of God and of one another, that by the religious and virtuous carriage and behaviour of every one in his respective station and calling, all heats and animosities and dissensions may vanish, and the blessing of Almighty God accompany our honest and lawful endeavours, and that we may join our affections in the true support of his majesty's government over us, who has so often and so generously exposed his royal person to eminent dangers to reduce us from the growing power of popery and arbitrary government, and hath by a singular blessing attending his endeavours, procured our deliverance and a happy and honorable peace, and is a great example and encourager of religion and virtuous living:

"I have therefore thought fit, by and with the advice of the council of this province of East Jersey, strictly to prohibit all inhabitants and sojourners within this province, from cursing, swearing, immoderate drinking, sabbath breaking, and all sorts of lewdness and prophane behaviour in word or action, and for the true and effectual

¹ Dunlap's N. Y. II. app. p. 132.

performance hereof I do by and with the advice aforesaid, strictly charge and command all Justices of the Peace, Sheriffs, Constables, and all other officers within this province, that they take due care that all the laws made and provided for the suppressing of vice and encouraging of religion and virtue, particularly the observation of the Lord's day, be duly put in execution, as they will answer the contrary at their peril.

"Given under the seal of said province this eighth day of April, Anno Dom. 1698, in the tenth year of the reign of our Sovereign Lord William the third, over England, &c., King.

J. BASSE."

"By the Governor's command,

JOHN BARCLAY, Dep. Sec'y and Reg'r."

NOTE U, page 201.

As the law referred to in the text may be considered as embodying the views of the representatives of the people at that time as to the kind of government which would best conduce to their happiness, a synopsis of it is here given.

The title is, "An Act declaring what are the rights and privileges of His Majesty's subjects inhabiting within the province of East Jersey."

The supreme legislative power, under the King, to be in a Governor, Council, and the people by their chosen representatives in General Assembly.

The executive power to be in the Governor, or in his absence the Deputy Governor, with the advice of three or more of his Council;—or should both Governor and Deputy be absent, in four of the Council, the first in nomination to preside,—the authority exercised to be according to the fundamental laws of England and the laws of the province.

The representatives to be freeholders, chosen annually by freeholders.

The General Assembly to meet annually, and to be composed of a majority of the representatives, the Council, and the Governor,

or his Deputy; whose concurrent voices could make or repeal all laws.

The laws were to conform to the laws of England.

The public records to be kept at Amboy, and deeds were to be attested in a manner prescribed.

The General Assembly to constitute all courts save those of chancery.

None but resident freeholders eligible to office, excepting that of Secretary and Register.

Sheriffs were to continue in office only one year, and then to be ineligible for three years.

The Judges of the Courts of Common Right were not to be Judges of Courts of Chancery.

No person allowed to serve in any office until he should have taken the prescribed oaths,

The members of Assembly and their servants not to be subject to arrest, &c., (for high treason and felony excepted,) during the sessions of that body, or while going to or from the place of meeting.

In case of the death or removal of a Representative, the Governor to issue his writ for a new election.

The apportionment of representatives to be as follows:

Bergen County,	{ Hackensack, ...	1	
	{ Bergen, ...	2	
		—	3
Essex County,	{ Acquacanonk and New Barbadoes,	2	
	{ Newark, ...	2	
	{ Elizabethtown, ...	2	
		—	6
Middlesex County,	{ Woodbridge, ...	2	
	{ Piscataway, ...	2	
	{ Perth Amboy, ...	2	
		—	6
Monmouth County,	{ Middletown, ...	2	
	{ Shrewsbury, ...	2	
	{ Freehold, ...	2	
		—	6
Somerset County,		1	
		—	22

and as many more as the Governor and Council should think proper.

No estates of a *feme covert* to be sold or conveyed, unless by deed duly acknowledged.

Wills were to have three witnesses, proved and registered within sixty days after the testator's death, and executors were liable to fine for neglect.

No freeman should be compelled to fight, or to be pressed to go out of his own county, "much less out of the province," in time of war or peace, unless in case of a sudden invasion or by special act of Assembly.

No soldiers were to be billeted upon the inhabitants unless in time of war.

No freeman to be imprisoned, &c., except by the judgment of his peers and the laws of the province.

Martial law not to be exercised except upon officers and soldiers, in garrison and in pay, during actual war.

Neither justice nor right was to be sold, denied, or delayed.

No one to be dispossessed of his land, &c., excepting by due course of law.

Trial by jury was to prevail in all cases.

In all cases capital and criminal, a grand inquest of the county first to present the offence.

No one professing faith in God by Jesus Christ, his only Son, to be called in question for difference of religious opinion, &c., provided that this should not extend to any of the Romish religion, to exercise their manner of worship, contrary to the laws and statutes of England.

The provisions of the act were not to infringe the liberty or privileges of any grant or charter before given.—*Grants and Concessions*, pp. 308–372.

NOTE V, pages 206 and 211.

THE CASE OF THE SHIP HESTER.

UNDER date of December 10th, 1698, the Proprietors' minutes state that "It is the unanimous opinion of this Board that the Governor should not meddle with the said Ship again, and that they believe the country, and the Proprietors cannot, nor will not suffer the

Governor nor his Employers' private interest to suffer by it," and hence probably the passage of the act mentioned in the text. An interesting manuscript in the possession of the New Jersey Historical Society shows the state of public opinion at this time. The sum when collected was to be paid into the hands of Andrew Bowne and others, staunch adherents of Basse. The Newark deputies had opposed the act, and in town meeting April 11th, 1699, received the thanks of the town therefor. [Newark Records, p. 128.] The document referred to reads as follows :

"To yee Townes of Perth Amboy, Elizabethtowne, Woodbridge, Freehold, Bergen, Shrewsbury, Middletown, Piscataqua, Aqueche-nonck, &c.

"Gentlemen :

"The meetings of our towne have considered an Act entitled an act for redressing a force of our Neighbour Province : and we find y^t y^e money Ordered to be raied by that act is put into such hands as we have no reason to truste nor are we any waies secured y^t y^e money will be applied for y^e countrey's good ; but have great reason to believe y^e contrary which has made us resolve not to pay it, but to resist all force that shall be usd for y^e gathering of it and because the taking away of y^e ship Hester has been made the only pretense for raising y^e money mentioned in that act we have thought fit to let y^e Proprietors know y^t the country was ready enough to have defended her and that we are owing only to y^e towardness of y^e Govern^r for her Loss and we have also fit to Acquaint y^m how he he has Invaded our rights and priveledges.

"These be things friends and neighbours we thought fit to write to you Hoping youl Joyne with us in Hindering the execution of so unreasonable an act and to remonstrate our Grievances.

"We are your friends :

"Signed by order of y^e Towne of Newarke Aprill y^e 21 : 1699.

Nathaniel Ward, Clerk.

"Signed by Order of Eliz: Towne Aprill ye 21st 1699.

Saml. Whitehead, Clerk.

"Signed By order of Perth Amboy Aprill 25th, 1699.

John Barclay, Clerk."

The following is the communication to the Proprietors referred to in the foregoing letter, now first printed from the New Jersey Colonial Documents.

“ WORTHY GENTL.

“ The Representatives of this Province of East New Jersey, having made an address to Jeremiah Bass, wherein as we are informed, they Tell him he has Spent his Estate, in Endeavouring the good of the Province, and they hope he will long continue their Governour ; with much more the like fullsome flatteries, Wee think it our duty to Inform Your Hon^r: That address was made and Passed by A Number of his own Creatures in the house, and that it is Very Farr from being the Sentiments of the Generallity of y^e Province, that he has Spent any money for their good ; and as farr from their desires, that he may continue their govern^r for instead of keeping up the hon^r of Governm^t, as was his duty, he has upon all Occasions, basely Prossituted it : Which to Instance were but to recount all his acts of Governm^t Wherein it was Possible for him So to do. Wee owe the Unhappy Circumstances Our Port lies under to his Cowardize and Sloath : who when he Knew of a Force coming to take the Ship Hester, an houre before their arrivall, took no care to prevent her being Surprized and when he had Force Enough to Retake her ; being Earnestly desired by them to head 'em himselfe, or to Commis'onate Some other ; he refused & Trembling left them. the Ship Lay two days before the Town of Perth Amboy ; the souldiers rediculeing the Governm^t of the Jerseys : Calling for their Govern^r, all their Continued Insults, he no other ways resented, than by desiring Them not to be angry, and Presenting their Cap^m with Brandy, and oth^r Provisions and drinking the Earl of Bellomonts health to them, were the Ill Effects of these Proceedings, our only Sufferings : Wee might P^rhapps, have been Patient under our Pressures ; but as meanness of Spiritt is Seldom Unaccompauied with other Vices So wee are no less oweing to his Malice, then his Folly, for our hurt. Our Rights and Priviledges, are by him invaded in the highest degree and in lieu of the Free Electing Representatives, we are Forc't to Submitt, to the Arbitrary Will of himselfe and his Councill ; by whose advise (Tho unminuted) he took the Writt from the Constable, the people being mett to Elect, Pretending informality in it, and because one of his own Faction Could not be

Chosen, he appointed the Election two days after; tho the same methods were at first took, as ever had been Since East Jersey has been a Province, and he has not only Stuck, by advice of his Council, to Violate our Libertys and Priviledges, but Likewise Your Possitive Instrucc'ons remaining upon the Publick Records, Which by his Commic'on he is tied Up to Obey. One Instance Shall Serve Viz^t Instrucc'on 8th To Lay no tax upon uncultivated Land &c The Proceedings of the last Assembly Will Sufficiently Informe Yo^r Hon^{rs}, That no Govern^r has had a Council that could better Suite and Answer his Sinister designs then That of Mr. Basse's.

"These things Much hono^d we thought fitt to let you know that you may take Such Prudent Measures, as may be most Conducive for your owne and Our good."

"April 21st 1699 By Ord^r of the Town of New Warke.

Nath: Ward Cl^k."

"April 21st 1699 By Ord^r of Eliza: Towne

Sam^l Whitehead Cl^k."

"April 25th 1699 By Ord^r of Perth Amboy

Jn^o Barclay Cl^k."

"June 1st 1699 By order of Freehold

Wm. Laing, Cl^k."

As illustrating still further the annoyances and difficulties which impeded the province at this time, the following letter is given from Charles Goodman, Collector at Amboy under a commission from Edward Randolph, Surveyor General, of 12th July, 1698, it never having been before printed.

¹Lewis Morris referring to this communication and to the act which prompted it, in a letter to the Lords of Trade, Sept. 29th, 1702, says "This Act was so displeasing to y^e greatest part of y^e country, that they did in Several

Towns resolved not to Pay it, unless forc't to it, & y^e Severall Towns, having met, (by Warrant from y^e Justices of the Peace) did write to y^e Proprietors of East New Jersey."

FROM CHARLES GOODMAN.

"Perth Amboy June 27th 1699."May it Please Your hon^r"

"In mine to Your hon^r" the 10th of December I gave Your hon^r" an Account of the Carrying away of the Ship hester to York and the generall discouragement Wee have mett with here (Since that Time) in matter of Trade: I am now to inform Your hon^r" That the Ship Warren Capt Shelly Commander lately came from Madagascar, & since run a ground on Long Island Shoare near York, Landed some goods in this Province of which having Informac'on Saturday the 24th Instant I went and obtained a Warrant from a Justice of the Peace and took with a Constable in in Order to search the house where the goods lay in the Town of Woodbridge. The Master of the house abused the Constable & denyed my Authority & refused to Lett the Constable break open the Door to search, which he would not suffer him to do. I immediately gott a Warrant from the same Justice to secure the Master of the house Mathew Moore bnt he refused to go before the Justice, to answer his Contempt neither could I persuade the Constable he had power to break open the Door, till I had obtained a third warrant for that purpose, and till the Justices of the Peace came themselves to see it done, where I found and seized twelve small Bales or Baggs of Calicoes and Muslins and secured them in a Chamber and sent to Amboy for a Waggon to carry them away, which came Early Monday Morning People being so precise here that they will upon no Consideration suffer a Waggon to Travell on the Sabbath day. On Monday about one or two in the Morning, the house & Chamber where I lay was broken open by about Twenty Persons disguised armed with Clubs Pallizadoes & other Weapons of a prodigious bigness, myself threat'ned my Life, and the goods forcibly carryed away; I have not neglected to make all possible Search & Inquiry, but to no purpose, for the people here are all Lawless & have no respect to Government or the Kings Authority but publickly affront the Magistrates, & those who endeavour to Execute the Law.

"I must further informe Your Hon^r" that no Officer can act here without immediate power from Your Hon^r" & it is arrived to that pass that Wee cannot have a Constable or other Officer to assist in any

thing for his Ma^s Service, all or the greatest part of the people do not think themselves obliged to obey Our Gov^r (he as they say) not having the Kings Approbac^{on} though the Councill shewed me a Letter directed to them from the Proprietors, wherein they asserted that they had presented him to his Ma^{ty} and that he was accordingly approved of, and look upon me as sent without power to abuse them. The Extent of this Province is great, & it is not in the power of one Officer to manage the whole business, when prohibited goods are Landed at severall Places att one time near forty Miles aSunder and the people Joyned together to conceal them. Those who have received the Goods shall not fail of a due Prosecution.

"Your Hon^r may understand by the List herewith sent how small the Trade is, occas^{ed} meerly by the Disputes and Uncertainty's ab^t out Post.

"Some Ships are dayly expected from Madagascar and I have settled the best Intelligence possible against their Arrivall and had I sufficient Power & Authority from Your Honours, I could Act with more safety, and Command that Assistance which is now denied me. They looking upon a Deputac^{on} from the Surv^r Generall (and upon himself) to signifie nothing, in the meantime I shall pursue my duty, and do all things which by my Office are required from me for his Ma^{ty} Interest, and towards the Discovery of illegall Trade now very rife in these Parts. The want of a Custom house here is of great disadvantage and if we are a Port it will be necessary to have one, otherwise nothing can be secured from the bold Attempts of these people who contemn and bid Defiance to Authority and do not stick to break open the Goale and rescue the Offenders from thence (as they have lately done) att their Pleasure. All w^{ch} is most humbly submitted to Your Hon^r by

Your honors most humble Servant

CHARLES GOODMAN."

"As to the Magistrates they have been very ready and willing to assist me, but some late Disturbances have made the People regardless of all Law and Authority."

Laid before the Council by Commissioners of the Customs, Aug. 21st, 1699, and by them referred to the Lords of Trade, Oct. 23d.

NOTE W, page 214.

EXTRACT from a despatch to Lord Bellomont from the Board of Trade, dated August 21st, 1699.—From the New York Colonial Documents, IV., p. 546.

“ We told you in our letter of the 5th January last, the reason of our suspending awhile any further report about the Proprietors of East New Jersey’s pretended right to a Port at Perth Amboy” [which was the necessity for consultation with the officers, from whom the proprietaries claimed to have received their authority] “and shall now explain to you a little more fully how that matter stands. The Proprietors of that province, thinking it seemed they might have some advantage by complaint of your Lordships seizure of the Ship Hester, petitioned his Majesty upon that subject, which petition of theirs, being read in Council of the 9th of March last, was by his Majesty referred unto our consideration, and we therefore send you here enclosed a copy of it with the order of Council thereupon.—Whilst we had that matter under consideration, those Proprietors laid before us also other memorials in which they offered some conditions, in order to compromise the dispute; but such as we did no ways think it for his Majesty’s service to accept of.—And therefore upon the 18th of April last we laid before his Majesty another Representation upon that subject. By that you will perceive the use we made of their proposal of a trial about the Port of Perth Amboy, by trying their right of government into the same question: a matter on which they are very tender, as being sensible of the weakness of their title—and we therefore thought it best to join both together. Hereupon after long delays, and after having in vain endeavored in the name of the Proprietors of West New Jersey (who are for the most part the same persons) to draw us into a snare by desiring our opinions for the approbation of Mr. Hamilton to be Governor of West New Jersey, that so our allowance of the one, might have been an argument for the other, because their title to both is one and the same; they have in the end laid before us certain proposalls for the surrender of East New Jersey upon certain conditions.¹ But we have not yet thorowly considered the same. However there appearing to us

¹ These proposals are printed in Smith’s N. J. p. 560.

several obvious exceptions against what they propose, and great difficulties in settling the matter to their satisfaction and without prejudice to his Majesty's right and to the interest of the Province of New Yorke, we are apt to think that business may hang yet some time longer in suspense. And therefore we send you here enclosed the copy of their said Proposals, and desire your observations thereupon, how far any of them will be advantageous or disadvantageous to the province of New York. But in the mean while we can offer to your Lordship no other rule for your conduct towards those Provinces both of East and West New Jersey than what his Majesty has already given you."

NOTE, X, pages 213 & 215.

THE following is the letter from Governor Hamilton, referred to in the text from the original in the possession of the Author. It was rescued from the rubbish of a garret. Its perusal cannot but excite regret that the despatches of the proprietary governors should have been lost.¹ How this should have found its way back to East Jersey is not known.

"Perth Amboy, 1st June, 1700.

"WORTHY GENTLEMAN:—

"I am at a great loss for want of advice from you how farr you have concerted the affair of the surrender. The people here proposing to themselves that they will be upon the levell with you when the goverment is out of your hands, may purchase lands from the Indians as well as you & may throw up their patents & hold by

¹ At a meeting of the Board of Proprietors, April 11th, 1767, a letter was stated to have been received previously from one Mrs. Margaret Bowles, dated February 1st, 1738-9, in which she acknowledges "to have in her Custody the Register Book and Book of Orders for the Governors and Proprietors, but

thinks it not advisable to part with them being other Peoples concerns." A committee was appointed to apply through the agent of the province to Mr. Humphrey Bowles or any other person for the book, but it has never been obtained.

their Indian purchase. I say proposing these advantages to themselves (& there's no beating them out of it) they lay hold on any twigg they think will attain their end. I send for your perusall a copy of a petition that the factious part of the people sent about to get hands to, & I send you my remarks upon it.¹

"I was in a mistake concerning Mr. Royse, he had an old patent



w^{ch} contains about 20000 acres, but becaus the stations were uncertain & the boundaries would not meet, he addressed the prop^m at home for a new patent, w^{ch} he had and contains about 6000 acres, for w^{ch} he was to pay £5 a year for the whole instead of the $\frac{1}{2}$ per acre, and the prop^m forgetting to make him surrender his old patent he now claims about 20000 acres by it & so takes away upon Milston River from Mr. Hart, & on the Raritan from Mr. Plumstead and Mr. Barker considerable tracts of land, so that he uses both patents, the old one if he can, and the new one if the old fail him; it was a great oversight, he is the ringleader of the troublesome sort of the people, & its he that infuses the notion in them of holding by their Indian titles.² If they have made any alterations in their petition I know not; but I believe it will be much to the same purpose, but if the King give a Countenance to a factious & a false petition to break your Governm^t it will introduce ill presidents.

"While the people propose to themselves such advantages by the governm^t being in the hands of the King, you cannot expect they'l raise money to defend it, nor any thing wherein they suppose you will share the advantage with them, & therefore if the surrender is not compleated, a tryall will be less expense, & whatever be the issue will vindicat you more than the surrender, for instead of thanking you for the priviledges you obtain, they will reproach you for

¹ This was probably the petition to leader (and we have no reason to doubt be found in Smith's N. J. p. 558. the governor's statement) we may well

² If such were the character of the imagine the character of the followers.

receding from what they think their due, for instance, you propose that upon the annexation, the same number of Counties continue, & by the same Names, & that as many represent in Generall Assembly a County in E. J. as there shall at N. Y. and I perceive the Ld^s will allow but E. J. to be 1-6 of that Assembly, & should you consent to this proportion by Charter the people will curse you. for in York governm^t two represent a County, wherein E. J. being but 1-6 will be less than one to represent a County; & so will they Cavil if the Port be precarious. Indeed I don't well see that their Ld^s can retrench them, or a Charter tie them up to less than a just proportion.¹ I beseech you gentlemen without loss of time bring things to an issue, if they will not advise the King to establish your Port by patent, & give the people a just proportion in the Assembly you have a handsome retreat. Only this I must caution, you'll be forced to accept of a New Charter to secure your lands if it be allowed by Council learned in the Law that an Indian title be good tho' it is strange to me if it be, for if so, then the King's Grant is of no benefit to the prop^r but if you find the people will be forced to hold by their patents, the tryall will clear you of imputation.

"Finding no hopes of raising money, I forbore calling our Assembly till their own was to sit of Course by an Act passed in Mr. Basse's time, w^{ch} is to meet yearly by proclamation the 4th Tuesday of May, & the rather because the Assembly of West Jersey was to sit on the 12th of the same month, & that the decencie & order of that people might be of good example to them. I accordingly issued out proclamation to meet on the 4th Tuesday in May, & because severall towns had not chosen, I issued out writs to them to choose & to meet the s^d day. They accordingly mett, & on the afternoon of that day the whole house came to me & the Council. Capt. Bowne (as I was beginning to speake, told me that he was ordered by the Representatives to ask By what authority I called them together. I told him he could very wel have answered that point himself having heard my Commission read upon my arrivall, Mr.

¹These remarks refer to one of the proposals of the proprietaries containing specific provisions to be inserted in the art of surrender, which was submitted to the Lords in July, 1669. It was probably the difficulty that might be expected in pleasing the inhabitants, who were disposed to cavil at whatever they might do, which led to an unconditional surrender. The proposals and reply of the Lords are in Smith's N. J., pp. 560 to 563.

Royse asked if I had the approbation as the Act directs, I told him I was much surprised to hear him ask that Question, first that he had not scrupled that in Mr. Basse's time, believing that was the King's business to enquire into, not the people; in w^{ch} I told him he was in the right. 2d. For that he had upon my first coming, heard me relate the several steps had been taken to obtain an approbation, & what obstructed it, but since he was not so just as to inform the Representatives what he knew, that I would, and accordingly I related the whole steps had been made & why it was not granted, viz., that to break their Ports the Crown had of late questioned the prop^r right to governm^t looking on it as unaccountable to be a governm^t & not allowed a Port as all other distinct Colonies in America are. That accordingly the L^d of Trade, to whom the prop^r petition was Referred, had advised the King to consent to a tryall in West Minster Hall for their Claim to both, which report was Confirmed by the King & referred to the Attorney General to direct the method of the tryall. That, after the Report, I had applyed to the Council of Trade & told their L^{ts} that since they were pleased to scruple the prop^r title to Governm^t I should be unwilling to act under any Commission their L^{ts} should account unwarrantable, and thereby either draw myself or the prop^r under any Inconveniences I Acquainted the Representatives that (being ordered to withdraw) I was in a short time after called in, That the L^d were pleased to tell me that tho' they questioned the prop^r Right to Governm^t yet they did not intend that as an Inhibition to the prop^r or a forbidding them to act further until the tryall betwixt them & the King were issued, or that the terms of the surrender were Concerted, being sensible that people could not be without Governm^t. And therefore if I acted according to the Laws of Engl^d the prop^r would be sufficiently justifiable in Commissioning me, & I safe to act under it, but that the granting an Approbation was a recognizing the prop^r title, & by Consequence giving away what they accounted the King's Right.

"I further told the Representatives that all of them were sensible that the prop^r did not set up a governm^t at their own hand, but that the obedience of the Inhabitants was first commanded by King Charles 2d that no King since had absolved them from that ty & That the tryall w^{ch} the King offers them for their Right to Governm^t as an argument that he looks on their Grant to be in force till that tryall is issued, & therefor while it was safe for the prop^r to act, it

was safe for them to obey, that the want of an approbation was no fault of the prop^r for that they had followed the proper Methods for obtaining it, & if the L^d refused it, it could not be charged as a crime in the prop^r or in me if I acted without it, & that it was the King not the people was judge how farr a person was qualified or unqualified to Act, & the prop^r were always ready to answer for that, & it was they run the risque if any was. not the Inhabitants.

"Notwithstanding, Mr. Royse he still insisted that they were not safe to act without an Approbation, which put me upon the necessity of plain dealing with them, I told them I was not a stranger to the point they were driving at, & that the getting the governm^t out of the prop^r hands they accounted the means to obtain, & it was that, not want of an Approbation, was the reason of their pretended scruples, but withall, as they might miss the mark, so they were unmannerly & ungratefull to the prop^r who had been at so great a charge to maintain the Governm^t purely to make them easie and would always have thrown it up when the people had applied to them, That by keeping them a distinct province throughout the Course of the late Warr, they had their purses & their persons in their own disposall, & freed of a Charge of at least £15000 w^{ch} their proportion would have amounted to, & tho' their Cariage would ere long make the prop^r thro' them off, yet even the Governm^t to which by their own fault they were like to be annexed, they'l use the treason but despise the Traitors.

"Therafter they withdrew, & understanding by some of the Members that they were resolved to raise no money, and fearing they might use the Authority of the Assembly for Countenancing their petition & so might make a better figure at home, than when signed by a few stragglng hands, I was glad of an opportunity of dissolving them, & as luck would have it, with debates among themselves they omitted chusing a speaker the first day, & that dissolved them a Course. I shall once more only recommend it to you to bring the affair of Governm^t forthwith to an issue by surrender, or rather by a tryall & then you are free from the expense of a New Charter. I am unwilling to begin the other sheet, & therefore take leave."

"Worthy Gentlemen,

"Your most faithfull servant

(Endorsed.)

"AND. HAMILTON."

"Received 24th July."

NOTE Y, page 215.

THE AUTHOR has found the details of three occurrences of the kind referred to in the text, prior to the issue of the Governor's Proclamation.

At the Court of Sessions held at Elizabethtown, March, 12th 1700, presided over by William Sandford, President. John Curtis, Elias Mackielson, John Treat and Theophilus Pearson, Justices, men of standing in their respective communities, Samuel Carter, in the words of the record, "in an Insolent and contemptuous manner Railed and disowned the authority and form of the Court and of the P'sident and Justices there setting, calling the P'sident Wm. Rascall, and challenging him and the Rest of the Justices out of the Court several times often giving the P'sident the lye * * * * and grossley abused the King's Attorney Generall and vsed and vttered words and Actions wholly unfitt to be mentioned. * * * "

The High Sheriff was directed to arrest Carter and not allow him to be bailed and the Court adjourned—"with almost General noise and hollowing, with vnseemly actions and Insolent gestures which seemed Rather to Luke like a Rebellion than otherwise. The Persons most forward in this Contempt were Samuel Whitehead, Sen^r., Benjamin Price, William Luke, Joseph Haines, &c."

A week later, on the 19th March, 1700, the Court of Sessions for the county of Middlesex convened at Piscataway, Justices Samuel Dennis, John Bishop, Samuel Hale, Benjamin Griffith and Michael Vanweightie being pre-

sent, together with Thomas Gordon, Attorney General and John Barclay, Clerk, but they found the doors of the public meeting house closed against them. On their demanding the keys, they were told that the house belonged to the town, and as entrance was refused the Sheriff was commanded to break open the door. Upon his attempting to do so, he was assaulted by Edward Slater and John Langstaff, while other persons stood by and obstructed him. He finally forced an entrance, as did also Justice Dennis through another door. He also was assaulted and told that they had no lawful authority to hold

Benj. Griffith.

any courts there, "and so," says the account, y^e Justices, finding such Resistance & opposition, withdrew from y^e s^d house and went to y^e Constables house of s^d towne & made this Record of their proceedings."

On the 17th July, Richard Saltar, Benjamin Stout, Wm. Bowne, and others of Monmouth County assaulted John Stewart, the High Sheriff, and Henry Leonard a constable, beat and wounded them and took away their swords. Under date of July 30th, Andrew Bowne wrote to Basse that the Governor had raised a posse of forty or fifty men to sustain the Sheriff, and marched them from Shrewsbury to Middletown; but being met by a much larger force they withdrew; adding that a general resolution had been formed, in case there was any further disturbance, to apprehend Hamilton, Morris and Leonard, and hold them prisoners, until his Majesty's pleasure should be known. However, on the 27th August, at a Court of Inquiry, held at Shrewsbury, of which Morris was President, Saltar and his associates were indicted for the riot and assault.

The proclamation of the Governor had but little effect in quelling these disorders. On the 10th September, at a Court of Sessions, held at Newark, composed of the same Justices that have been so grossly insulted at Elizabethtown in March, with the exception of John Treat; the same Samuel Carter again demanded their authority for sitting as a Court. The President replied "by the authority of the King," and the court then proceeded to sentence an offender for a misdemeanor; but the constable was assaulted, the prisoner rescued, and the Court subjected to ignominious treatment by a party of sixty horsemen from Elizabethtown led by Thomas Johnson, Joseph Burwell, Samuel Carter and others. In the language of the record "The P'sident was pulled of the bench by Ab'm Hettfield and Daniel Crane and his hatt and wigg halled of his head by the s^d Hattfield, the Clerke of the Court allsoe grossly abused, in P'ticular by John Luker who struck him with great vilence with his feet, Mr. Luker, Jr. with a Stick and John Clarke tore his wigg from his head. The P'sident allsoe having had his sword Taken from him by Daniel Craine and broak in pieces by him the s^d Daniel. The Rest of the Justices grossly abused, some their clothes torn of their backs with many other abuseful words and actions Received from the Rabble of Elizabeth Towne. The prissoner Sam^l Burwell Reskewed out of the Constable hands made his Escape. The Constable allsoe grossly

abused, pulled by the haires and his staff Taken from him and Throwne out of doors. The P'sident allsoe being struck three blows, Two of which punches in the brest and one in the face. The Rabble Consisted of more than 60 horse"—the names of most of them are given.—

The Court, very naturally, adjourned under these circumstances, until six o'clock the next morning, when a jury was empanelled, composed of eighteen men of Newark, and on the 30th September the offenders were indicted.

On the 12th September a party of men from Elizabethtown, came "with clubs in their hands to the house of Mr. Theophilus Pearson, [in Newark,] and demanded of him y^e prisoner [one Parmator] asking where the Pittifull raskalls were that put this man in prison and demanded him out of prison, they were asked by what power they demanded him out of prison and they held up their clubbs and said that was their power." They then went after the Sheriff, robbed him of the keys of the prison and released the prisoner. Thirty-six of the rioters were indicted by a jury consisting of some of the best men of Newark.

On the 6th March, 1701, the Court of Sessions convened at Middle. Richard Saltar again made himself prominent, as well as others, in objecting to the authority of the Court, and several persons summoned as Jurymen refused to serve and were fined. James Bollen, the Clerk of the Cunnty, refused to give up his records unless the Court would give security for ten thousand pounds, to hold him harmless.—But the boldest and most aggravated assault upon the Governor's authority occurred on the 25th of the same month, when the full Court was convened, consisting of Governor Hamilton,

Lewis Morris
and Saml. Leonard of the
Council, and

Saml Leonard

Justices Jedediah Allen and Samuel Dennis, for the trial of one Butterworth, for piracy. "The s^d Butterworth was called," says the Record, "& made his appearance, & when y^e Court was Examining him one Sam^l Willett Inholder said y^t y^e Govern^r & Justices had no authority to Hold Court & y^t he would break it up, & accordingly went down staires to a Company of men then in armes & sent up a Drummer one Thomas Johnson into y^e Court who beat upon his

drum, & severall of y^e Company came up wth their armes and Clubs w^{ch} together wth y^e Drum beating Continually made such a noise (notwithstanding open proclamations made to be silent & keep y^e Kings peace) y^t y^e Court could not Examine y^e prisoner at the Barr, & when ther was as y^e Court judged betwixt 30 & 40 men Come up into y^e court some with their armes and some with Clubs, two persons viz. Benjamin Borden and Richard Borden attempted to Rescue y^e prisoner at y^e Barr, and did take hold on him by y^e armes & about y^e midle and forcet him from y^e Barr, y^e Constable and under Sheriff by y^e Command of ye Court apprehended y^e s^d Borden, upon w^{ch} severall of y^e persons in y^e Court assaulted y^e Constable & undersheriff (the Drum still beating & y^e people thronging up staires wth their armes) & Rescued y^e two Bordens, upon w^{ch} y^e Justices & Kings Attorney-General of the Province then present (after Commanding y^e Kings peace to be kept & no heed being given thereto) drew their swords & endeavoured to Retake y^e prisoner & apprehend some of y^e persons concerned in y^e Rescue but was Resisted & assaulted themselves & y^e Examination of y^e prisoner torn in peices, & in the scuffle both Richard Borden & Benjamin Borden were wounded, but y^e Endeavours of y^e court were not Effectual in retaking y^e prisoner for he was Rescued & Carried off & made his Escape, and the people viz. Capt. Safetie Grover, Richard Borden. Benj. Borden, Obadiah Holmes, Obadiah Bowne, Nicholas Stevens, George Cooke, Benjamin Cooke, Richard Osborne, Sam^l Willett, Joseph West, Garret Bowler, Garret Wall, James Bollen, Sam^l Foreman, Will^m Winter, Jonathan Stout, James Stout, William Hendricks, John Bray, Will^m Smith, Gersom Mott, Abner Hewght, George Allen, John Cox, John Vaughan, Elisha Lawrance, Zebulon Clayton. James Grover Jun^r, Richard Davis, Jeremiah Everington, Joseph Ashton with others to the number of about one hundred persons did traytorously seize the Governor & y^e Justices, the Kings Attorney Generall & y^e undersheriff & y^e Clark of y^e Court, & kept them close prisoners under a guard from Tuesday y^e 25th of March, till y^e Saturday following boing y^e 29th of y^e same month and then Releast them."¹

No record has been discovered of any trials growing out of the various indictments for these riots, although as late as September, 1702, Lewis Morris made an earnest appeal to the Lords of Trade that the supremacy of the laws might be sustained.

¹ New Jersey Colonial Documents under the several dates.

A P P E N D I X .

THE
MODEL OF THE GOVERNMENT
OF THE
PROVINCE OF EAST NEW JERSEY
IN
A M E R I C A .

BY GEORGE SCOT.

FROM THE ORIGINAL EDITION PUBLISHED AT EDINBURGH, 1685.

NEWARK, NEW JERSEY,
1874.

INTRODUCTION.

THE work here reprinted contains information relating to many of the first settlers of East Jersey, and to the condition of the province at an early period, nowhere else to be found, and which has been rendered of little service to historians generally from the rareness of the original edition. Only six copies are known to exist—two in Europe and four in the United States. One is in the Advocates' Library at Edinburgh; another in the Gottingen Collection; the third was a few years since in the possession of John A. King, Esq., of Long Island; the fourth is in Harvard College Library, from which the manuscript copy was taken for this reprint. The fifth belongs to the New Jersey Historical Society, and the sixth is in the Editor's own library.

Smith, the Provincial Historian, or some one in his behalf, must have had access to the book; as his history contains three or four letters and (in part) a description of the Province as it was in 1680, which were evidently extracted from it, although it is not alluded to in any way by him. Mr. Bancroft refers to, and quotes it in one or two instances, but Mr. Grahame, the distinguished writer on our Colonial History, was the first, and heretofore, the only one to consider the work of sufficient importance to call for any particular notice of its character, or of the cir-

cumstances under which it was written ; which were briefly these : The Scotch Proprietaries found it a difficult matter to induce their countrymen, notwithstanding the depressed condition of the greater portion of them at home, to seek relief in a voluntary and perpetual exile in a distant land. Some two or three hundred had done so, but it was necessary to a successful prosecution of their scheme of colonization, that the public interest therein should be more generally diffused and the embarkation of greater numbers secured. They therefore procured the publication of the work that follows, entering particularly into historical and statistical details respecting the Province ; and, while presenting in a desirable light the proposed refuge, combating with considerable ingenuity the prevailing objections to emigration.

In the fulfilment of this project, the author commences with a learned disquisition upon the mode in which America was first peopled, in which, it may be remarked, he apparently adopts views and conjectures similar to those which of late years have received the favorable consideration of some of our most eminent antiquaries.¹ He then proceeds to meet and overcome the various scruples that were presumed to operate against its farther settlement from Scotland, by arguments drawn from sacred and profane history, and from different considerations of duty to themselves, their families, their country, and their religion ; the force and applicability of which each reader will determine for himself. The important advantages to be secured by a residence in East Jersey are then

¹ See pages 11, 14-16.

portrayed, and the superiority of that colony over others in America and the West Indies warmly urged.

The value of the work to the historian, however, consists in the information it gives respecting the condition of the country; and the views and prospects of the early settlers whose letters constitute a large portion of its contents, among whom were several who subsequently filled important stations in the Province, and contributed by their abilities and worth to its advancement in prosperity and civilization. 'Tis true

“ * * * * We but hear
Of the survivors' toil in their new lands,
Their numbers and success;—”

yet who can read with indifference such items of intelligence, referring to those hardy pioneers from whose exertions sprung the fruitful fields and beautiful villages of East Jersey, so characteristically recorded by themselves? It is to the influence of these letters, and of the work generally, that we may consider it in a great measure owing—adopting the language of Grahame—that “American society was enriched with a valuable accession of virtue that had been refined by adversity, and piety that was invigorated by persecution.”

The author, George Scot, of Pitlochrie, was connected by descent and marriage with some of the most distinguished families in Scotland; which circumstance may have led the Proprietaries to confide to him the preparation of the work, from the beneficial tendency his advocating the cause of emigration.

would have upon an extensive circle of acquaintance ; and his arguments, doubtless, received material support from the fact of his adding example to precept, by embarking himself and family for East Jersey. He was accompanied by nearly two hundred persons, and sailed from Scotland about August 1st, 1685 ; the Proprietors granting him as a testimonial of their gratitude for the services he had rendered them, five hundred acres of land in the Province.¹

But the career of energy and usefulness which promised so much for the welfare of the Province was soon closed. Before the "Henry and Francis" (the vessel in which they sailed) arrived at East Jersey, both Scot and his wife were no longer living. Of the catastrophe or disease causing this unfortunate result, the records of the Province give us no information, and tradition merely brings down the fact that they died before they reached the land of their adoption. One daughter and a young son survived. Eupham (Euphemia) Scot, the daughter, in 1686 became the wife of John Johnstone, one of her

¹ E. J. Records, A. 385, 386. The grant was dated July 28th, 1685. Mr. Grahame advances some reason why he presumes Governor Barclay did not write the book himself, but thinks it probable he gave his assistance in its preparation. He says, "The inequality of the performance strongly attests that it was not wholly the composition of a single author;" but the Editor doubts if the inequality alluded to is sufficiently great to warrant such a supposition ; and it is very certain that in the above-mentioned grant nothing is said of indebtedness to any other party than Scot ; and no allusion what-

ever to the work appears elsewhere in the Records. Mr. Grahame starts an inquiry as to the identity of this George Scot with the Captain Scot who, Governor Nicolls states [Chalmers' Annals, p. 624], had been an applicant for the patent which the Duke of York obtained, and who, in revenge for the disappointment he sustained, induced the Duke to part with New Jersey—then considered the best part of the grant ! They were undoubtedly different persons, Captain Scot's name was John, and see page 180 of this volume.

fellow passengers, (the "Druggist at the sign of the Unicorn in Edinburgh" mentioned on the last page of "the Model;") and on January 13th, 1686-7, her husband received from the Board of Proprietors a confirmation of the grant which had been made to her father.

John Johnstone long practiced medicine in the Province, besides filling several important public offices, and died, says the Historian Smith, "very much lamented by all who knew him, and to the inexpressible loss of the poor, who were always his particular care."

Their descendants became numerous, and for years before the Revolution their names are frequently met with in connection with high civil and military stations in the Province; and although most of the families thus descended, from their identification with the Royal cause at the Revolution, were scattered in different directions or obliged to leave America; there are still, among the most respected citizens of New Jersey those who can trace their descent from George Scot;¹ testifying, by their own characters and talents, to the service rendered by their ancestor when, in addition to the influence of his work, he embarked his family for East Jersey. Of James, the son of George Scot, nothing is known excepting that Dr. Johnstone and George Willocks were appointed his guardians October 30th, 1686.²

¹ See Whitehead's Early Hist. of Amboy.

² Minutes of N. J. Council, p. 141 Whitehead's Amboy.

Following the dedication in the original edition,³ is an advertisement "to the Reader from the Printer," requesting him "with his pen to help what he finds amiss, the author's pressing affairs having hindered him from overseeing the press;" and in transcribing the work, the manifold errors in orthography and punctuation caused some hesitation as to the course proper to be pursued. Desirous, however, to preserve its character as much as possible, and considering also that some of these errors might have originated with the writers of the several letters, and therefore be in some measure indicative of their literary attainments, the Editor has confined the corrections to what were deemed merely errors of the press.

The predominating type changes frequently, in the original, some pages being in italic characters, some in roman; but in this reprint it was thought unnecessary to alter the character, save for such words or passages as were printed differently from the current type of the page on which they appear.

The following page shows the title, and size of the leaf in the original; and the figures between brackets, inserted in the text, indicate the division of its pages.

W. A. W.

Newark, New Jersey, 1874.

³ The copies in the N. J. Hist. Soc. Library and in the Library of Mr. King differ slightly from the one used for this republication and the Editor's own. The first two are probably of an issue intended for circulation in Scotland,

and a passage which might have been thought to reflect upon the government was modified when copies were circulated in England, a new leaf being inserted. See page 37 of the work.

THE
M O D E L
OF THE
GOVERNMENT
Of the
P R O V I N C E
O F
EAST-NEW-JERSEY
I N
A M E R I C A;

And Encouragements for such as Designs
to be concerned there.

*Published for Information of such as are de-
sirous to be Interested in that place.*

E D I N B U R G H,

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DOM, 1685.

TO
JAMES

Earl of *PERTH*, Lord *DRUMMOND* and
STOBHALL, &c. Lord High Chancellor
of SCOTLAND.

JOHN Viscount of Melfoord, GEORGE Viscount of Tarbet,
Lord Drummond of Gilston, Sec- Lord M'cloud and Castle-Haven,
retar of State for the Kingdom of Lord Clerk Register of Scotland,
Scotland, one of the Members of and one of His Majesties most
His Majesties most Honourable Honourable Privy Council there.
Privy Council in both Kingdoms.

My Noble Lords:

As your Lordships concern in *East Jersey*, makes it appear to all intelligent persons, that it is a *Nationall interest* to advance in generall the design of a Plantation, hence to *America*; so that in particular, *East Jersey* [ii] is the most proper place, seeing your Lordships have chosen it among all the other parts of that continent, to settle your interest there; Yet my *Lords*, there are (to our shame) a parcell of people, who whether out of Ignorance or Malice. I cannot well determine, decry the design; I believe they have a share of both, and thereby weakens not a little the hands of a number of well meaning people, who would gladly promot the same effectually, were they not imposed upon by the false rumours, industriously spread abroad to stifle any such inclinations.

I have been advised to consent to the publishing of the following sheets, at first collected only for my own divertisement, and more clear information in the affair, As what may tend somewhat to prevent any foolish misrepresentation; when by the perusal of the accompts from thence, the least jealousy is removed of any cheat in the thing itself, so advantageous a Character of the place coming from so many different hands.

I have had too many demonstrations of your Lordships favour, to fear your displeasure upon accompt of my presuming [iii] to send the same abroad under your *Patrociny* ; yea, I dare further adventure, without the least apprehension of your dissatisfaction with me upon that head, to mind your Lordships that as you have laid the foundation of this design, as to any concern of this Countrey in that place, so it is expected your Lordships will continue to encourage the same: in process of time your Lordships may render your Names and Families as considerable in *America* as they are in *Europe*.

My Lords, having resolved to dedicate myself, Family, and Fortune, to the promoting of this design, I should the more easily digest any frowns of Providence I have been trysted with, were I so fortunate as to find the opportunity, in *Jersey*, of testifying my resentments of the favours I have received at your Lordships hands in *Scotland*, by noticeing any of your Lordships concerns there, and contributing what in me lyes to advance the same: nothing shall be wanting in me to testifie how much I am

My Noble Lords,

Your Lordships' most

humbly devoted Servant,

GEORGE SCOT.

AN ACCOUNT of the Incouragement for promoting a Design of Planting in *East New Jersey*: containing the Constitutions, and Model of Government of that Province: in a Letter from a Gentleman at Edinburgh, concerned there, to his correspondent in the Countrey:

SIR:

Perceiving by your last Discourse, that you not only appeared somewhat resolved to be yourself concerned in promoting the present Design of Carrying on a Plantation in *America*, but to endeavour to engage several of your Friends in the same undertaking when you found any probability of its taking effect; I find myself obliged, for your more full Information, to let you know at more length the Reasons inducing me to be so much concerned in the promoting this Affair, submitting very willingly, the grounds prompting me hereto, to your most narrow scrutiny, whether in so doing I act Rationally or not?

Having at *London* in the year 1679, the opportunity of frequent converse with several [2] Substantial and Judicious Gentlemen concerned in the *American Plantations*, I had thereby the opportunity of understanding thoroughly the great advantage redounding to that City from *Undertakings of this nature*, and rational grounds of Conjecture That their Commerce with that place of the World, hath been one of the greatest Improvements of that Trade they have for many years enjoyed, which hath rendered it now one of the most considerable Cities in *Europe*; the Customes thereof which in Queen *Elizabeth's* time, were farmed at *Fifty thousand pounds* paying now into the Exchequer, near *seven hundred thousand pounds* yearly, which great Improvement may be much attributed to their Trade with *America*, brought now in a great manner to Perfection, which at that time was but in its Infancy.

From that time I began to have strong inclination to be more fully informed in that Affair, and to be, at all imaginable pains, to notice the same verie concernedly, and for my more full satisfaction, I judged it requisit to trace the very beginnings of all the *English Plantations*, and their gradual progresses ere they arrived at that perfection they presently [3] are at, I could not rest satisfied with the first Methods I proposed to myself in Order to this, of discoursing at large with such as had been in the several Plantations, by putting such interro-

gatories to them thereanent, as I judged most proper for informing myself in all things relative to that knowledge I judged requisite for my own clear information, and for being a foundation to a Design I then began to frame, of being therein myself some way interested; And tho' I found one and the same accompt given me in Solution of the most material Questions I proposed, Yea, from several hands, who were such whose knowledge in other things, with the good Character they generally went under, obliged me to notice their information as truth without the least jealousying the verity of the accompt they gave me; yet for my more full satisfaction, I proposed what I judged would contribute more clearly to my full understanding that affair, to wit, the perusal of all the Geographical descriptions of these places in *America* inhabited by the *English*.

The first thing which offered to my view in this search, was a question in itself both pleasant and material. What way the continent of *America* came first to be inhabited after the Flood, it being a World [4] wholly unknown to the *Europeans*, *Asiaticks*, and *Africans*, till the late discovery thereof by *Americus Vespucius*, and *Christopher Columbus*, since by all circumstances, it is apparent that it hath been long inhabited; *Laetius* in his discourse anent the *Original of the Americans*, Declaring, That the *Spaniards* destroyed thirty millions of them in those parts of *Ameriua* unsurped by them, which is not the 100 part of that continent. And since it is by all agreed that after the Flood, *Noah* and his three Sons had their habitations in some parts of *Asia*; there being no probable evidences that any of their Descendants led out the first Collonies thither, being so divided from the rest of the World, to wit, from the *Western coast of Europe and Africa* by the vast *Atlantick Ocean*; from the *North parts of Europe*, by the great frozen Seas lying betwixt it and *Green-land*, appearing to be the *Northern Coast of America*; from the *Northern part of Asia*, *Tartaria*, and *Cathay*, by the *Fretum Aanium*; from the *East part of China*, and the *Philippine Islands* by the *Oceanus Pacificus*, above 2000 leagues in breadth; and divided from the great lately discovered Island *Delfhago*, [5] by the Straits of *Magellan*; and that Island divided again from the uttermost *Southern Continent* (if any be) by a Great Sea not formerly known to the *Europeans*, and *Asiaticks*; being divided from *Asia* and *Africa*, by the great *Indian Ocean* lately discovered by *De La Mers Navigation*; the only probable means of such a Migration, being of

a far later perfection, than what could answer such a population of so great a Continent.

To this apparently difficult question I find a very satisfying answer given very fully by the Learned *Hales*, his Assertion, to wit, That notwithstanding these apparent difficulties, a Migration unto *America* from the Descendants of *Adam* and *Noah*, was not only possible, but probable; that the famine [migration?] was successive, that tho the time or manner of these Migrations cannot certainly be defined, yet many of them were long since, some thousand of years, Yet after the universal Deluge, that the means of this Transmigration of the Descendants of *Adam* and *Noah*, from *Asia* unto *America*, hath been both by Sea and Land. That the readiest means of the Migration of Colonies unto the *Western World* [6] from the *Eastern*, was by the help of Navigation, whereof much might be casual by Tempests, or contrary Winds, *but the more Principal from design, he judging it probable* that the use of Ships was not unknown to the Old World before the Flood, tho not in the perfection as after. But that the Ark of *Noah*, being an exact piece of *Architecture*, did give a pattern for Vessels of a greater burden, that from that time the skill of making and navigating Ships had been certainly improved; *Heath-nish Histories* giving us accompt, that Navigation was ancient among the *Grecians*, especiallie among the *Phenicians*, *Tyrrians*, and *Carthaginians*; *Pliny* in his Natural History, relating That the Navigation of the *Argonauts* to *Colchis* for the *Golden Fleece*, happened about 1000 years after the Flood: and that 200 years before that, *Danaus* sailed out of *Aegypt* and *Greece*, and tho there be no express mention of the *Pixis Nautica* for manie years, after the mention of the use of Navigation, yet the same Author relates That the *Phenicians* steered their course by observation of the Stars.

But the *Sacred Scripture* gives a better [7] accompt of the Antiquity of Navigation. *Jacob* died 600 years after the Flood, yet he mentioned *Ships* and *Havens for shipping*, as things well known: and particularlie *Sidon*, as a great Port for Shipping, where *Zebulons Lot* was to be cast; Gen. 49. 13. *Balaam*, in the time of *Moses*, mentions the Ships of *Chittim*, or *Grecians*, as a known thing; Num. 24. 24. In the Reign of Solomon, the *Tyrrians* are noticed as expert seamen, he having a Navie upon the Coast of the *Red Sea*, from thence making Voyages with the *Tyrrians* to *Ophir*, *Tarshish*, places

apparentlie in the *East Indies*, thence bringing Gold and other Commodities; 1 Chr: 8. 18: 9. 21.

The Histories of all succeeding Ages of the *Grecians* and *Persians*, of the *Tyrians*, *Phenicians* and *Carthaginians*, of the *Romans*, *Ægyptians* and *Chinenses*; and in the latter times of the *Venitians*, *Sicilians* and *Rhodians*, *Spanish*, *Dutch*, *French* and *English*, give us a full accompt how Sedulous and Industrious all Maritim Coasts have been in advancing of Navigation, in multiplying of Shipping, in Merchandizing and Trading, in searching out and subduing Forraign Countries, when either afflicted at home [8] by war or otherwayes, or grown over populous.

And therefore sayes the forecited Author, as latter years hath given us, of this Age, witness of the Transplantations to *America*, from *Spain*, *France*, *Portugal*, *England* *Scotland* and *Holland*, and some Ages before that hath given instances of Transplantations from *Norway* unto *Greenland* and *Iseland*: so it appears not onely possible, but probable, that either by Casualty or Tempest, or by Intention and Design, either for Lucre of Gold, or for disburthening of the Countries sur-charged with multitudes of Inhabitants, or by greatness of mind affecting Noble Undertakings, or by Reason of Hardships Oppression, and Wars at home, or by some of all these wayes, several parts of this great Continent, at several times have been planted with Inhabitants, which through process of time, have multiplied unto these many Nations. and have forgot their Original, and the Manners, Religions and Customs of these People, from whom they descended in *Asia*, *Europe*, or *Africa*.

His Judgement is, That the Countries in *Asia* and *Europe*, which with greatest probability have first Peopled *America* [9] appear to be the *British*, the *Norwegians*, the *Tartars*, or *Scythians*, the *Phenicians*, *Carthaginians*, or the *Chinenses*: Not mentioning the late migrations of the *Spanish*, *French*, *Portuguese*, *Dutch*, *English* or *Scottish*.

Doctor Powels relates, That anno 1170, *Madoch* one of the Sons of *Owen Gwineth*, went over twice unto the Northern coast of *America* and made there a *British* plantation; This is at large prosecuted by *Laetius* in his second Observation.

Grotius hath some Observations touching the Migrations of the *Norwegians*; *Laetius* grants, that *Iseland* and some part of *Greenland* were planted by *Ericus Rufus*, anno 928; that probably from

hence Collonies were brought over unto the Northern parts of *America*, over the *Fretum Anian*, in respect of the easiness and shortness of that passage; from *Nova Zembla* and the farthest *Northeast* part of *Tartary*, over that narrow sea, and partly by Reason of the congruitie of the Barbarous customs of the *Americans* and *Scythians*.

Hornius thinks the Migration of the *Phenicians* and *Carthaginians*, especially unto the south-east part of the continent of *America*, [10] as *Mexico* and *Brasile*, very probable upon many accompts: 1. Upon the great skill and long practice of Navigation, and the multitude of Shipping of the *Phenicians* and *Carthaginians*: 2. Upon the Accommodation of the Port of *Carthage*, and other *African* ports bordering upon the *Mediterranean Sea*, to make their voyages *Westward*, and the great advantage of the constant *Easterlie* winds, which makes the Voyage to *Mexico*, and *Brasile* more easy: 3. Upon some ancient Histories, intimating the progress of the *Phenician* and *Carthaginian* Fleet unto some Islands, or Continents in or near the *Atlantick Ocean*:—And lastlie, he finds much of the Origination of the *Americans* attributed to the Migration of the *Seni* or *Sinenses*, from the *Eastern* parts of *China*, and the *Philippine* Islands, from the Islands of *Borneo*, and the *Moluccas* and *Japan*, through the *Mare Pacificum*, unto the *Western* parts of *America*: which, tho it be a large Ocean of above 2000 Leagues betwixt the *Philippine* Islands, and the West of the *American* Continent, and the passage hither difficult, in respect of the constant *Easterly* Winds betwixt the *Tropicks*: yet many [11] reasons appear to the likelihood of a plantation from thence. 1. In respect of the Peopling of *China*, which Mr. *Webb* says, *Was first Peopled after the Universal Deluge*, *Shem* the son of *Noah*, first settling here, it being the most ancient and primitive Language: that by means of the Antiquity, and Settledness of this *Monarchy*, having continued ever since the Universal Deluge, It is most probable, the Western continent of *America* was Peopled hence: 2. Because they were the greatest Masters of Shipping, and best skilled in Navigation of any part in the World; The *Pizis Nautica* being there known, and used long before the knowledge thereof in *Europe*. 3. The many Islands upon the *South*, and *South-East* part of *China*, as *Borneo*, *Java*, *Gilolo*, *Celebes*; and others near the *Equator*, are disjoyned but by very narrow Seas—not much broader than between *England* and *France*—from the neck of Land called *Terra de Papes*, or *Nova Guinea*, and *Nova Hollandia*,

new discovered to be, at least in some parts, disjoyned from the more *Southern Continent*, by a great Sea, but anciently thought to have been a [12] part of the *Southern Continent*.

Vpon these and the like Probabilities, Judge *Hales* thinks it reasonable to conclude that the *Americans* had their Original from the Inhabitants of *Europe*, *Asia* and *Africa*, that Transmigrated into that Continent, either intentionally or Casuallie, or both. 2. That these Migrations were not of one single People, but of manie and diverse nations. 3. That these Migrations were not altogether or at one time, but successivelie in several ages, some earlier, some later. 4. That, therefore it is impossible to determine the time of such Migrations, onely that they have been all since the Flood, now above 4000 years ago; some Migrations 2, 3, or 400 years after the Flood; some later, according to various Accidents; but that is no wayes probable that the earliest Migration hither was above 4000 years since, for if one hundred pair they might easily propagate a number competent to People all that Continent. 6. That it appears that since the last of these ancient Migrations, suppose that of *Madoch* ann his *Brittons*, untill our late Migrations by the *Spaniards*, *French*, *English*, *Dutch*, and *Scottish*, there probably intervned an interval of at least 4 or 500 years; in all which Interval the Commerce [13] and Communication between *Europe* or *Asia*, and *America*, hath as it were slept and been forgot both by them and us. 7. That in this interval of 500 years or thereabouts, in all parts, but in some parts far greater, there must in all probability happen a great forgetfulness of their Original, a great Degeneration from the Primitive Civilitie, Religion, and Customs of these places, from whence they first arrived; a Ferine and necessitous kind of Life, by a conversation with those that having been long there, were fallen into more barbarous habit of Life and Manners, would easily assimilate, at least the next Generation, to barbarism or ferinness. Where a Colony comes and keeps itself in a Body, as the *Roman Colonies* did, and the Plantations in *Virginia* and *New England* do, and the *New Accessions* incorporat and joyn themselves unto that Body, Custom, both Religious and Civil, and the Original Language are kept intire, but where the *Accessions* are but thin, and spairing, and scattered among the Natives of the Countrey where they come, and are driven to conform themselves unto their Customs for their very subsistence. safety and intertainment, it falls out that the very first *Planters* doe soon degene-

rate in their *habits, customs*, [14] and *Religions*, as a little wine poured into a great vessell loseth itself; but if they escape a total assimilation to the countrey where they thus are mingled, yet the next *Generation* in such a mixture, is quickly assimilated to the *corrupt* manners, and customs of the people among whom they are thus planted; so that it is no wonder, if in such kind of small *Accessions*, successively from one and the same, or severall Countries, The *third Generation* forgot their *Ancestors*, and the *Customs, Religions, and languages* of these people from whom they were first derived, and assume various *temperaments* in their *language and customs*, according as the places of their *habitation* and the *Company* among whom they live obtain. But there remains yet a great difficulty, touching the noxious untameable Beasts as *Lyons, Tigers, Wolves, Bears*, which that continent abounds with; how they come to be conducted over the seas, to be preserved in the *Ark*, and after to be transported again thither, it not being probable that they could be transported by shipping, seeing no man would be at the *pains, charge and hazard*, with such Beasts, which would do more harme than good. And altho possibly, the Frozen Northern Seas might be a *Bridge* for their Passage, yet that appears [15] unlikely in respect of the great Snows which accompany such frosts; and the impossibility of supply of food in so great and troublesome a journey, and as to swimming, tho the Seas between *Tartary* and *Cathay*, and some parts of *America*, be not so wide as the *Atlantick*, or *Pacifick Ocean*; yet they are too large to afford a passage by Sea for *Tigers* and *Lyons* not apt to take the water; and it is not yet certainly discovered, tho conjectured, that there is any neck of Ground or passage by Land from any part of *Europe*, or *Asia*, unto any part of the continent of *America*.

The only thing then remaining to accommodat this difficulty, is to suppose that though it should be granted, there is no such Land passage extant, yet within the *compass* of four thousand years elapsed since the *Flood*, there have been some such junctions or land passages between the northern parts of *Asia* or *Europe*, and some northern parts of the continent of *America*; or between the South east part of *China*, or *Philippine Islands*, and the Southern continent,—tho lately there be discovered an interposition of Sea, between the Island *Delfago* and that Southern continent,—whereby either from *Asia* to *Greenland*, in the north, or from *China* to *Terra Australis incognita* on the South, a land passage might be from [16] *Asia* to

America, for men and beasts; tho for some ages past, either by the violence of the water or by floods, or earthquakes, which hath made great alterations in the Globe of the Earth and Seas, that Bridge or Line of communication be now broken or obliterated: and truly such as observe the infinite number of Islands lying between the continent of *China* and *Nova Guinea*, almost contiguous to each other hath probable reason to believe that these have been all formerly one continent joyning *China* and *Nova Guinea* together, tho now by the eruption of the seas, crumbled unto small Islands: hence there is ground to believe there hath been anciently necks of land which maintained passage of communication by land betwixt the two continents. *Pliny* tells us of the great *Atlantick Island* mentioned by the *Ægyptian Priest*, in *Plato's Timeus*, almost contiguous to the western part of *Spain* and *Africa*, now wholly swallowed up by that *Ocean*: which if truth, for ought we know might afford a passage from *Africa* to *America*, by land before that Submersion.

[17] Bvt to return from this, I hope not *unpleasant degression* having seriously considered the advantages which may be rationally conjectured, to redound from the right management of a concern in *America*, I resolved to lay myself out wholly for the promoting such a *design* in this Countrey, as what I was convinced, would in the end not only tend to the *Honour and advantage* of our nation in *General*, but to the *Particular Interest* of such as would resolve to be therein *effectually concerned*: though I am abundantly sensible, there are not a few who take upon them to censure this undertaking, who have not the capacity to pry into the advantages which may rationally be proposed in prosecuting thereof, the strongest argument they are able to bring against it, being taken from the practice of our *Ancestors*, altogether innocent of any such *design*, though reputed abundantly wise in their generation: that therefore in their children it can be no less than folly to introduce such a novelty; the same appearing to thwart the verity of some of our old *Scottish Proverbs* that ill bairns are best heard at home: *Fools are fain of flitting: and a Bird in hand is better than two in the [18] bush*; esteemed no less by them than sometimes were the oracles of *Apollo*, at *Delphos*. Yes Sir, I have heard some, whose pretensions to wit were so great, that they were upon the borders of *Commencing Vertuosi*, snarling at this intention, who having been engaged in the debate bewrayed their ignorance so far in the affair, as to inquire whether the places treated anent, as the proper

seats for a Collonie from hence, were Islands, or on the continent, if such so little versant in America, be competent Judges of a matter of this import, I leave it to your determination; and therefore, judging them altogether unworthie of being otherwayes noticed than to pity their ignorance, not envying them the satisfaction of their own Opinions, I proceed more at length to acquaint you with the grounds I walk upon, in resolving to be so effectually concerned in promoting this design, as to hazard myself, Family, and Fortune, in Prosecuting thereof: submitting very chearfully the consideration thereof to your narrowest and most exact scrutiny, whether the motives prompting me hereto be founded upon solid Reason or not?

I find the most brutish of *Mankind* proposeth some end to himself, whereby he is actuated, [19] the *Voluptuous seeks after his pleasure, the Ambitious his preferment, the Covetous his treasure*; whence it is apparent, that all the *intentions* of man, how unrational soever, are actuated by one of these three great engines of *Jucundum Honestum* and *Utile*. In the effectual promoting this *design*, I judge a man may rationally have a prospect to all these three.

I must confess, there is in the generality of *Mankind* a natural inclination to love the Land of their own Nativity beyond other places, tho upon several Considerations every way preferable, according to that of the *Poet*,

*Nescio quo natale Solum dulcidine cunctos,
Tungit & immemores non sinit esse sui.*

Yet we see, it hath been frequently so ordered in *Providence*, that severals, upon different *motives*, have been brought to quit their *Native Soyl*, and inclined to make choice of *strange and remote Countries* for their *habitation*; and it is clearly seen, that this their removal hath tended both to their honour and outward more plentiful accommodation; hence the *Northern Climats, tho barren as to their Soyl, have been observed to produce bodies of Men, in greater abundance, [20] more strong and vivid than the more Southern and fertile places of the World*; whence great multitudes of people *pinched with the straits of their own Countrey*, have issued forth to more agreeable and fertile places. Thus the *Goths, Vandals, and Hunns* overspread the *Roman Empire*, seating themselves in *Italy and Spain*, and a great part of *Africa*; hence the eruption of the *Franks* from the *Rhine*, upon the

more pleasant Vallies of the *Loire* [and] *Seine*, and giving thus, rise to most flourishing Kingdoms.

I grant that upon the first view, it may appear somewhat of a *Novelty*, and that upon this consideration, the *Vndertakers* may be lyable to the censure of such as pry not further into the *Affair*. Yet I am ready to believe that the more serious and Judicious will have other sentiments of this *Design*, when they consider, that not only is this practice warranted by the *Scripture*, but that the effectual prosecuting thereof, will be made clearly to appear, to be contributive as well to the *honor* of the *Vndertakers* as to their *particular Interest*, and likewise to the *general advantage of the Nation*. [21] The placing of a People in this or that Countrey, is from the *appointment* of God, the Apostle speaks of it as grounded in *Nature*, *Acts* 17. 26. *God hath determined the times before appointed, and the bounds of our habitation, Deut. 2. 8. 5. and 9. God would not have the Israelites meddle with the Edomites or the Moabites, because he had given them the land for a possession.*

I do not find any taking upon them to define what particular summons the first *Vndertakers of planting Collonies* had, whether from the mouth of God immediately (as *Abraham* first and the Children of *Israel* thereafter,) or from the *advice and Council of Men*: Yet that the *Wisdom of God* directed them in this Course is evident from *Moses* his testimonie, affirming, that he separated the sons of *Adam*, and set the bounds of their habitation, *Deut. 32. 8.* So that whoever set on the work, God acknowledgeth it as his own: we read also in the 16th of the *Acts*, verse 12. *Of a Collony* (which is a company of People agreeing to remove out of their Countrey, and settle a City or Commonwealth elsewhere) which God blessed and prospered exceedingly and made it a glorious Church.

[22] That *Collonies* as other *States* in *Humane Society*, have their Warrant for Gods direction and Command, is apparent to all. No sooner was Man created, than he was commanded to replenish the Earth, and subdue it, *Gen. 1. 26.* By these words, and the repetition of them to *Noah Gen. 9* verse 1, We see a promise expressed (as the title of a *Benediction* and thereto prefixed.) So it may also be perceived, that they include a direction or command. *Calvin* sayes upon these words, *Jubet eos crescere & Simul benedictionem suam destinat*; and *Junius, pro ut vim intus indiderat sic palam mandatum, dedit curandæ propagationis & dominationis exercendæ.* And *Paræus*,

Jubet igitur replere terram, non solum generatione & habitatione, sed cum primis potestate cultu & usu, etsi vero nonnullæ orbis partes manent inhabitabiles, habemus nihilominus totius dominium, Jure Divino licet non habeamus totius orbis usum culpa & defectu nostro.

If it be alledged, that tho it must be granted that the words have the force of a *Precept*, yet it was but to continue during the *Worlds Infancy* and no longer; upon due consideration [23] it will be found, that there is no ground here for such a *Limitation*: For tho some Commandments founded upon, and respecting some State and Condition of Men, received end and alteration, when the condition was ended; yet *Precepts* given to the body of *Mankind*, as these to *Adam* and *Noah*, receive neither alteration in the substantials, nor determination, while Men and any void places of the Earth continue: so that allowing this Commandment to bind *Adam*, it must bind his *Posterity*; and consequently ourselves in this Age and our Issue after us, as the Earth yeelds empty places to be replenished.

Where there is an empty vacant place there appears hence to be Liberty for the sons of *Adam*, or *Noah*, to come and inhabit: *Abraham* and *Isaac* sojourned among the *Philistines*; Yea, I do not see that either they bought or asked leave of the *Inhabitants*: By *sojourning* is meant a *constant residence* there, as in a *possession of their own*, although it be so termed, as if *they had been Strangers*, because they neither pretended to the *Sovereign Government of the whole Countrey*, neither did incorporate themselves unto the *Common-Wealth of the* [24] *Natives* to submit themselves to their *Government*; they did not buy that land to feed their Cattle, because they said, *there is room enough*; intimating that the *Natives* were no wayes injured by their *Neighbourhood*; and so did *Jacob* pitch his tents by *Sechem*, *Gen. 34. verse 21.* *Hamor* said, *there is room enough, therefore let them sit down among us*, yea we see that in case the people who were former *Inhabitants*, did disturb them in their possessions, they complained to the *King*, as of injury done to them, as *Abraham* did, because they took away his well; *Gen. 21. 25.* for his right thereto, he pleaded not his immediate call from God, for that would have seemed frivolous among the *Heathen*, but his own industry and culture in digging thereof, yea, wee see the *King* does not reject his *Plea* with, what had he to do to dig wells in their soil?, but, admitteth it as a *principal of Nature*, that in a vacant soyl he who taketh possession thereof, and bestoweth Culture and *Husbandry* thereupon, his right it is: the ground hereof being

from the *Grand Charter* given to *Adam* and his posterity in *Paradise*, *Gen.* 1. 28. *Multiply and replenish the Earth, and [25] subdue it*, which Charter was renewed to *Noah*, *Gen.* 9. 1. *fill the Earth and multiply*. In the next place the gift of the Earth, is to the *Sons of Men*, *Psalms* 115, 16. this necessarily enforceth their duty to people it. Were it not an injury done to the most High, to think *He does ought in vain* ? or that *He tenders a gift to Mankind*, which *He* never meant should be enjoyed : And what way can Men make benefit of the Earth but by habitation and culture ? Neither do I judge it a rational answer to this, that *God's intention is satisfied, if some part of the Earth be replenished and used*, tho the rest be waste, because we are still urged with the same difficulty, that the rest of which we receive no fruit, was never intended for us, because it was never *God's* mind we should possess it. If it be then granted, that it hath been the mind of *God*, that *Man* should possess all the parts of the Earth ; it must be acknowledged that we neglect our duty, and cross His Will, if we do it not when we have Occasion and Opportunity, and do little less than undervalue His blessing.

Does not also that Order which *God* annexed to marriage, in His first institution, viz., *That married Persons should leave [26] Father and Mother, and cleave to other*, warrant this practice ; seeing frequently there is a necessity that young married People should remove out of their Fathers Families, to live apart by themselves ; whereby new Families are erected. Now what are new Families but pettie Collonies ? and so at last removing further and further they overspread the whole Earth ; so long therefore as there shall be use of Marriage there will be a warrant for deducing of Collonies from one place to another.

We find that *God's directions* have a double scope, *Mans good and His own Honour*. That this Commandment of *God* is directed to *Mans good*, *Temporal* or *Spiritual* is more apparent : for it is most certain, that the life of *Man* is made comfortable, affording a more plentiful supply in a large scope of ground, which moves them to be so unsatiable in their desires, to joyn house to house and land to land, till there be no more place. Exceeding I grant, therein, the measure and bounds of Justice, and yet building upon a principle suggested by Nature, that a large place best secures sufficiency, as we see by Nature, Trees flourish fair, prosper well, and wax fruitful in a large Orchard [27] which would otherwise decay, if they were straitened in a little

Nursery: These that are stronger Plants and better rooted, would increase, overtop, and at last starve the weaker sort. Do we not see it thus fall out in our Civil State, where a few Men flourish best, furnished with Abilities, or best fitted with opportunities, and the rest wax weak, and languish as wanting room and means to nourish them. Now that the Spirits and Hearts of Men are kept in better Temper by spreading wide, will be evident to any Man who considers, That the Husbandry of unmanured ground, and shifting unto empty lands, enforceth Men to Frugality, and quickneth invention: and the settling of new Estates requireth Justice, and affection to the Common Good, and the taking in of large Countries, presents a natural remedy against covetousness, fraud and violence, when every man may enjoy enough without wrong or injury to his Neighbour. Whence it was that the First Age, by these helps, were renowned for golden Times, wherein Men being newly entered into their Possessions, were enforced thereby to Labour, Frugality, Simplicity and Justice having neither leasure nor [28] occasion to decline to Idleness, Ryots, Wantonness, Fraud, or Violence: the ordinary fruits of well Peopled Countries, and of the abundance and superfluities of long settled Estates.

But that which should most stay our hearts is the respect unto Gods Honour, which is much advanced by this work of replenishing the Earth, whereby the largeness of his bounty is tasted by settling of Men in all parts of the World, whereby the extent of His munificence to the Sons of Men is discovered; the Psalmist tells us, that God is much magnified by this, that the whole Earth is full of his riches: yea, and the Red Sea too. Psalm 104. 24. And God when he would have Abraham know what he had bestowed on him, when he gave him Canaan, tells him to walk through it in the length of it, and in the breadth of it Gen. 13. 17. Gods Honour is hereby advanced when together with Mens Persons, Religion is conveyed to several parts of the World, and all the quarters of the Earth Sound with His Praise, and CHRIST JESUS takes in the Nations for His Inheritance, and the ends of the Earth for His Possession; according to Gods Decree and Promise. Psalm. 2. 8. [29] Seeing then it must be acknowledged, that even those Collonies which have been undertaken upon the desire either of disburthening full states of unnecessary multitudes, or of replenishing waste and void Countries, have a clear and sufficient Warrant from the Mouth of God; as immediately concurring with a special end that God aimed at in the first institution thereof,

when Gods Honour and Glory, and next Mans Salvation is his own proper scope in this and all his wayes; it must be more necessarily acknowledged, that the desire and respect unto the publishing his Name where it is not known, and reducing Men who live without God in this present world, unto a form of Piety and Godliness, by how much the more immediately it suits with the mind of God, and is further carried from private respects, by so much the more it advanceth this work of planting Collonies above all Civil and Humane ends, and deserves Honour and Approbation above the most *glorious conquests* or most *successful enterprises*, which ever were undertaken by the most renowned men which the *Sun* hath seen, and that by how much the subduing of *Satan* is a more *glorious Act*, than a *Victory over Man*; and the *inlargements of Christs Kingdom*, [30] *than the provision for their Lives and Bodies*.

It appears this end in Plantation hath been specially reserved for these latter dayes of the World, *seeing before CHRIST the Decree of God that suffered all Nations to walk in their own wayes*, Acts 14. 16. Shut up the Church in the narrow bounds of the promised land, and so excluded men from the propagation of Religion to other Countries. And in the Apostles times, God afforded an easier and speedier course of *converting Men to the Truth by the gifts of the Tongues*, seconded by the power of *Miracles*, to win the greater credit to their Doctrine, which most especially and first prevailed upon Countries civilized, as the History of the *Acts of the Apostles* makes manifest. As for the rest, it is not questioned but God used the same way to other *barbarous Nations* which he held with these whom he first civilized by the *Roman Conquests* and mixture of their Collonies with them, that Religion might be afterwards brought in, seeing it cannot be imagined that Religion should prevail upon those who are not subdued to the rule of *Nature* and *Reason*. It may be [31] rationally conjectured that God did especially direct this Work of *Erecting Collonies* unto the *planting and propagating of Religion* in the *West Indies*, and that for divers reasons, which ought to be taken into serious consideration, as affording the strongest motives which can be proposed to draw on the hearts and affections of men to their work. There are men of Note, both for Place and Learning in the Church, that, *conceive the course held by God from the beginning in the propagation of Religion, falls in the last age, upon the Western Parts of the World*. It is most certain that from the first *Planting of Religion*

among Men, it hath alwayes held a constant way from East to West, and hath in that Line proceeded so far, that it hath extended to the uttermost Western bounds of the formerly known World; so that if it make up any further passage upon that point of the Compass it must necessarily light upon the West Indies. And it is conceived with all, that our Savior's Prophecie, Matth. 24. 27, points out such a progress of the Gospel; its true that the comparison there used, taken from the lightning, aims at the sudden dispersing of the knowledge of CHRIST by the Apostles Ministry, but [32] whereas it is known that the Lightning shines from diverse places of the Heaven, shewing itself indifferently, sometimes in the West, sometimes in the North or South; It's judged probable that our Saviour does in this similitude, choose to name the lightening that comes out of the East unto the West, to express not only the shining out of the Gospel, but withal the way and passage by which it proceeds from one end of the World to another, that is, from East to West.

But passing by that onely as a probable argument, the following seems to carry greater weight. The knowledge of CHRIST must certainly be manifested to all quarters of the World, according to diverse predictions of Prophets ratified and renewed by Christ and his Apostles, but that the knowledge of Christ hath been never as yet fully discovered to these Western Nations is clearly demonstrated, seeing till the time that the first Planters went over from England, not many years since, no History for 500 years before Christ, ever mentioned any such Inhabitants upon earth; much less left any record of passage to them or commerce with them; so that, unless we should conceive a miraculous work of conceiving knowledge without means, it cannot be imagined [33] how these Nations should have once heard of the Name of CHRIST?

But further, what shall we think of that almost miraculous opening the passage unto, and discovery of these formerly unknown Nations, which must needs have proven impassable to former Ages, for want the knowledge of the use of the Load-stone, as wonderfully found out, as these unknown Countreys by it. It were little less than impiety to conceive, that GOD, whose Will concurs with the lighting of a Sparrow upon the ground, had no designe in directing one of the most difficult and observable works of this Age; and as great folly to imagine that He who made all things, and consequently Orders and Directs them to

his own Glory, had no other scope, but the satisfying of Men's greedy appetites, who thirsted after riches of the new World; And to tender to the bloody and cruel Spaniard the objects of such barbarous cruelties, as the World never heard of. We have then ground to conceive, that God in that great Discovery, aimed at this, that after he had punished the Atheism and Idolatry of these Heathens, and brutish Nations by the Conquerours' [34] cruelty; and acquainted them by mixture with some other peoples civility, he might at length cause the Glorious Gospel of JESUS CHRIST shine out to them as it did to other Nations, after the sharp times of the bitter dessolations thereof betwixt the Romans and them. That this Nation is able and fit to send out Colonies unto forraign parts will evidently appear to any who considers our overflowing multitudes, this being admitted for a received principle, that Countries superabound in people, where they have more than they can well employ, seeing we know men are not ordained to live only, but withall and specially to serve one another, throw love, in some profitable and useful calling; and tho it be granted, that this Land by Gods ordinary blessing yields sufficiencie of Corn and Cattle for more than the present inhabitants; yet that we have more people, than we do or can profitably employ, will appear to any man of understanding, willing to acknowledge the truth, and to consider that many among us live without employment either wholly or in the greatest part.

[35.] We have as much opportunity as any Nation hath to send out our men and necessary provisions by Sea unto these remote parts, which advantage they cannot be peopled from any part of the world from this Christian part at least, and how useful a work it is to the furthering such a work, the example of the Grecians and Phenecians, who filled all the bordering coasts with Colonies, does sufficiently prove unto all the world; neither is it to be doubted, but the first Planters wanting this conveniencie,—as Abraham in his removing to Charan first, and to Canaan afterwards—must needs have spent much time, and endured much trouble in passing their companies and provisions by land, over Rivers, and throw Woods, and Thickets by unbeaten paths.

I know it will be asked, *what call or warrand a man hath to remove when he is well where he is? Or what warrand particular men have to engage their Persons, and Estates in this employment of planting Colonies.* As for the first of these, we find we may remove for the

gaining of knowledge, our *Saviour* commends it in the *Queen of the South*, that she came from the [36] uttermost ends of the earth to hear the wisdom of Solomon. *Matth.* 12. 24. And surely with him she might have continued for the same end, if her Personal Calling had not recalled her home. We find it also allowable to remove, and travel for *Merchandise* and *Gain-sake*; *Daily Bread* may be sought from afar. *Prov.* 31. 14. Yea our *Saviour* approveth travel for *Merchants*, *Matth.* 13. 45, when He compareth a *Christian* to a *Merchant man seeking pearls*; for he never fetcheth a Comparison from any unlawful thing, to illustrate a thing Lawful, the comparison from the unjust *Steward*, and from the *Thief in the night*, not being taken from the injustice of the one, or the *Theft of the other*, but from the *Wisdom of the one*, and the *Suddenness of the other*, which in themselves are not unlawful.

We find from *Scripture*, it's lawful to remove to plant a *Colлонie*, that is, a *Company* agreeing together to remove out of their own *Country*, and settle a *City* or *Common Wealth* elsewhere; of such a *Colлонie* (as is already mentioned) we read in *Acts* 16. 12, which God blessed and prospered exceedingly and made of it a glorious *Church*. Nature teacheth *Bees* to [37] do so, when as the *Hive* of a *Kingdom* is too full, that *Tradesmen* cannot live one by another, but eat up one another, in this case it's lawful to remove.

But further, God alloweth a man to remove, when he may employ his *Talents* and *Gifts* better elsewhere, especially when he is not bound by any particular ingadgement to the place where he is; thus God sent *Joseph* before to preserve the *Church*. *Joseph's* Wisdom and Spirit was not fit for a *Shepherd*, but for a *Counsellour of State*, and therefore God sent him to *Egypt*.

[Where people find themselves straitned in point of their opinion, no reasonable man will question their call to go where by Law they are allowed that Freedom in this point which they themselves would desire; this is one great encouragement to any so circumstanced, to remove to any of the new Plantations: the interest of which obligeth to lay this as a fundamentall, that no man shall be in any way imposed upon in matters of principle; but have their own freedom without the least hazard.]¹

¹ The passage in brackets reads in the *Apostles*, *Acts* 13. 46, and for the edition intended for Scotland, as *Liberty of the Ordinances*, 2 *Chron.* 11. follows: "I find removal likewise allowable in case of persecution, so did 13. When *Jeroboam* made a defection from *Judah* and set up golden Calves to

It will certainly be allowed by all that in the present circumstances of the *Protestants* in [38] *France*, where the free exercise of their *Religion* is denied to them, it is very allowable for them to remove where without hazard they may live in the free exercise of their own principles, being upon that accompt obnoxious to no hazard as guilty of the breach of the Law.

I believe some may object, *that no man undertakes this task without an extraordinary warrant, such as Abraham had from GOD, to call him out of Mesopotamia to Canaan*: their opinion appears to be founded upon this argument, *that the planting of Collonies is an extraordinary work; and therefore those who undertake it, must have an extraordinary call.*

In answer to this I think it cannot be granted, that the planting of Collonies is an extraordinary work this argument lying strongly against it.

That duty which is commanded by a perpetual law, cannot be accounted extraordinary.

But the sending out of Collonies is commanded by a perpetual Law.

Therefore it is no extraordinary duty.

Now that the *commandment is perpetual*, [39] hath been proved, first, because *it was given to Mankind*: 2. Because it hath a *ground* which is *perpetual*, to wit, *the emptiness of the earth*, which either is so, or may be so, while the World endures; for even those places which are full, may be emptied by *Wars*, or *sickness*, and then an argument passeth as strongly the contrary way, the undertaking of an *ordinary duty* needs no other than an *ordinary warrant*, but such is planting of a Collonie as being undertaken by Vertue of a *perpetual Law*, therefore the undertaking to *plant a Collonie* needs no extraordinary warrant.

I must grant *Abraham's* undertaking was in many things extraordinary, and therefore needed an *immediate direction from GOD*; he was to go alone with his Family and Brethren, to such a certain place far distant, possess already by the *Canaanites* who were to be expelled, that land was to be wholly appropriate to himself and his Issue, he

worship, all who were well affected, both Priests and People, sold their *possessions* and came to *Jerusalem* for the *Ordinances Sake*; this was of seasonable use to the *Protestants of Eng-*

land in the dayes of *Queen Marie*, who removed to *France* and *Germany*, in the beginning of her Reign, upon a *Proclamation of alteration of Religion* before any persecution began."—Ed.

was not to plant it at present, but only to Sojourn in it, and walk through it *for a time*: Now none of these circumstances fit our ordinary collonies: and consequently *Abraham's* example is nothing to this [40] purpose, because the case is different, though in some other things alike.

It may be further objected, *that the Men may adventure upon the Work, upon an ordinary Warrant, yet none can give that but the State; therefore it may be judged that a Command from the Highest Authority unto such as ingage themselves in this Affair is necessary: That the State hath power over all her Members to command and dispose of them within the bounds of Justice: is more evident than can be denied: but this power is diversely executed, sometimes by Command, sometimes by Permission, as in preparations to War; sometimes Men are compelled to serve, sometimes they are permitted to go Volunteers: sometimes the Supreme Power takes care of the whole business: sometimes as in Musters commits it to Delegates. If the Government then proclaim Liberty to such as will go about such a design, and commit the care to themselves, to associate whom they think fit, it cannot be denied but the State hath given a sufficient Warrant, as will appear by your perusal of the Advertisement published thereanent, adjoining to the close hereof.*

[41.] Neither does it appear that any State did more, the *Romans* use was to proclaim, *That they intended to plant a Collonie of such a number in such a place, and as many as would give in their names should receive so many Acres of ground, and enjoy such other priviledges as they thought fit to grant them,* which they then expressed: those who gave in their names were enrolled till the number was full, and then they had certain Commissioners appointed to see all things ordered accordingly, and every Man put in possession of his Inheritance. Neither did the State interpose their Authority, in assigning and choosing out the Men, but left it free and voluntary to every Man to take or leave, seeing nothing can bear out the Hazards and inconveniencies of such undertakings, *but a willing mind.* Men can disjeast any thing which themselves do choice or desire, but a Commandment makes a pleasant thing harsh, how much more harsh things intollerable!

By what is above written, I apprehend you will find it sufficiently cleared, that the *prosecuting this Design is warranted from the Word of God*: it remains for your further satisfaction, as to the reasonable-

ness thereof to be made no less apparent, that the [42] *effectual carrying on thereof will contribute to the advantage of the Nation in general, and to the honour and particular interest of those who are active Undertakers therein*; and I am much in a mistake, if I make not that appear as clearly as the other, but before I begin to condescend upon particulars, I judge you will not find it improper in the first place to offer to your consideration a general Survey of the present circumstances of the Nation, whereby you will the more easily be satisfied of some particulars properly to be noticed, for your more clear conviction of the truth of this assertion.

Tho there be some particular parcels of *Our Countrey*, here and there to be found, which both for the *nature of the Soil*. and other pleasant and agreeable accommodations, are in themselves sufficiently desirable, yet where I have the general prospect thereof in my view, I find myself obliged to acknowledge it is not among the most *fertile places of the world*, to say no worse; but tho we cannot compete *Our Neighbour Nation* as to the fertility of the Soil in general, or the flourishing of trade; in some things it will be acknowledge we are comparatively nothing inferiour to them, this kingdom hath plenty of Inhabitants, [43] whereof yearly it may cast a *Fleece*, without the least prejudice of the *general interest of the Nation*, as actually it hath done since the year 1618, that the warrs began in *Germany*: it is sufficiently known what *multitudes of People have gone hence yearly since that time*: the truth of this will appear to those who consider, that in the *Swedish Army* at one time there were 27 *Scottish Collonies*, and that *Douglas Regiment in France* hath since His Majesty's *Restoration*, taken hence UPWARDS of thirty thousand men, besides what number have during all that time gone to *Flanders and Holland*, where there have been three Regiments of *Scots Men* of standing Forces constantly till this day kept in pay, and are at present yet standing; whereby is occasioned the transport of a considerable number of men yearly for their recruits.

Sir, you may easily consider what an interest *Scotland* might have had in *America*, had all these who have gone from their native Countrey in queast of Honour and Fortunes, to these places, steered their course to this Airth: there is hardly any noble family in *Scotland*, or Gentlemen of any note, but ere this time [44] should have had some interest in *America*.

If these had all settled in one place, it should have been a very considerable Collonie ere this time. *Women also of our own Nation, would not have been wanting to these Men*, by which the foundation of a very flourishing Collonie should have been laid. You know as well as I, that *Our Countrey People want not their Sagacity in Countrey Affairs, they know abundantly well how to manage their own Business, according to their Capacities, they are painful and laborious, inured to hardship*; those who know how to make a Lively-hood in this Country, will certainly know much better how to live in a more Fertile Soil, where their Pains and Industry would be more plentifully rewarded, than can be expected from the natural barrenness of *our Native Soyl* when compared with the Fertility of those places in America.

It is on the other hand sufficiently known to all, who are in the least acquainted with *Our Scottish Histories*, That, *Our Gentry in Europe*; by this I mean not only [45] *Our Nobility and Gentry*, and the *Eldest Sons* their Representatives, but the *younger of both*, to whom it is observed, *Nature gives no less Vivacity of Spirit than to the Elder (if not more)*, Though by *Our Law* they are deprived of being proportionably sharers in their Fortune: Whence it is, that those of them who have any Spirit, sensible of this disadvantage choice rather to go abroad upon their own Purchase, than to be obliged to a slavish dependance upon the elder Brother for a Lively-hood, which by the custom of the Countrey, these of no Spirit are frequently ingadged to, how insignificant so ever, he may be.

I desire to know if a more easy or honorable way could be proposed? Or a more probable mean to expect a comfortable Lively hood, than with what small Fortune will be allowed by their Parents, (from the elder Brothers Estate) to be settled in such a place of America as shall be judged a proper seat for these who go upon such a Design from this Nation? Their Parents can alwayes with ease provide them with a convenient number of the Commonality, as Servants, who in this Countrey can never be wanting to Gentlemen. *Our Common* [46] *People* will quickly come to understand their particular interest in this affair, seeing after their four years service, they may rationally propose to live more plentifully & more at ease, after a very little moderat pains and labour, then they can do at home when they have spent their whole time, after the ordinary method of this countrey, according to the accustomed slavish toyl they are used to.

I am ready upon very good ground to believe that within a few years, the elder brothers left at home intangled in the ordinary debts of the Family : and so in a manner *what by that and what by the other publick burthens*, engaged in a most slavish life, when he is every morning in the reverence of his Creditors ; will quickly come to envy the happiness of the younger brothers in America, when they come to be informed in what plenty they live, recreating themselves with no less pleasant, than harmless diversiments that Countrey in great plenty affords, and divertising primitive recreations, where every one shall have such a competent sufficiency for himself, as he shall not have the least occasion of envying his Neighbour upon account of his fortune [47] each having for himself what in reason can be judged a comfortable accommodation.

But however weighty this consideration may be, I leave the further prosecuting thereof to offer to your serious thoughts, a point of no less moment, as being in my weak judgment more material, and of greater weight in these times, than the other : *are not distractions of this Kingdom, anent matters of Opinion, in reference to Church Government, come to that height that the sad and fatal consequences thereof, are astonishing to all sober persons: many who upon some scruple, cannot comply with the present Model of Government, are yet confounded and ashamed, to consider the unwarrantable practises of some, who give themselves out as owning their principles, while their inhuman and barbarous practises are a scandal not only to the Protestant Religion, but inconsistent with Christianity, Yea, Humanity itself! what the further result of these differences shall be, I will not take upon me to determine* [48] only the consequences are like to be not a little prejudicial to the Protestant Religion ; each of the Parties endeavours to blame the other, without any design of Accommodation, or yielding one to another. There is nothing impossible to the Omnipotent Power, But a reconciliation of the differences among our Churchmen appears improvable in the highest degree : So fixed both parties do seem to be in their own Principles. If Mackquarie and Brown vent publickly the justification of their Tenets, for the further encouragement of their own Party. in opposition to the other. The Bishop of St. Asaph will not be behind with them, seeing rather than not to have the occasion of reaching them a blow, he choiseth affrontedly in the face of the World, to cut off from his Native Prince, Fourty of his Royal Ancestors. I desire not to reflect upon any of his Lo: Character, but I may be allowed without giving

offence to say, *whatever demonstration his Lo: hath given in that piece of reading, he hath evidenced small sense of his gratitude to so bountiful a Prince, to whom he owed so much, to have so treated him; as his malice against our Nation is thereby made [49] sufficiently apparent, so you now see his gross ignorance in that particular laid open to the world by a very ingenious Pen (Sir G. Mc K*) which probably may have their effect upon his Lo: as to oblige him for the future to treat in matters wherein he is more versant, and which are more becoming a Gown man, than so publickly to endeavour to affront a Nation, by injuring their King and his own.*

But to return from this degression, you see so it is now judged the interest of the *Government* altogether to suppress the *Presbyterian Principles*; and that in order thereto, the whole force and bensil of the *Law* of this Kingdom, are levelled at the effectual *bearing them down*, that the rigorous putting these *Laws* in execution, hath in a great part ruined many of these, who notwithstanding thereof find themselves in conscience obliged to retain these principles; while in the other hand *Episcopacy* is by the same *Laws* supported and protected. I would gladly know what other *rational medium* can be proposed in their circumstances than either to comply with the *Government*, by going what length is required by *Law*, in conforming; or to retreat where by *Law* a *Toleration* is by *His Majestie* allowed; such a [50] retreat doth at present offer itself in *America*; and is nowhere else to be found in *His Majesties Dominions*. I would be informed if such as cannot comply with the *present Laws* would not act more rationally, to bestow what is yet left them in making an interest in that place, transporting themselves thither where they are by law allowed the *free exercise of their principles*, beside what other accommodations they may upon just grounds propose to themselves, rather than by still living where they are resolved not to comply with the *Government*, expose themselves wholly to ruin which appears absolutely inevitable otherwayes than by a full compliance with the *Laws*, whereby may be obviated the penalty such will otherwayes be lyable to, the exacting whereof will certainly tend to their ruin in the close.

And to conclude, you will find no small ground of further encouragement to such as are resolved effectually to bestirr themselves in

* Sir George McKenzie. Ed.

carrying on this *design*, from the consideration of the great success of the only undertaking of this Nature this Kingdom was ever concerned in ; whereby is made clearly evident that we want not people for managing such [a] *design*. It was but about the latter end of *King James the sixth* [51] his dayes, that we began to be concerned in sending some people to *Ireland*, and yet the small beginning that design had, from the undertaking of a very few *Gentlemen*, hath come this length that I am informed by *Creditable Authors*, that *Kingdom* this day could bring to the fields an hundred thousand of our countrey-men : Yea, I had an accompt thence lately from an acquaintance of mine, who was serious in advancing this design, That the *Province of Ulster*, where most of our Nation are seated, could spare *Fourty thousand Men and Women* to an *America Plantation*, and be sufficiently Peopled itself. The Gentleman who gave me this Information, is since settled in *Maryland*, the accompt he sends of that Countrey is so encouraging that I hear a great many of his Acquaintances are making for that Voyage ; one thing is considerable in this to be observed, That the difficulties of such an undertaking were far more terrifying at that time, than now to our Countrey Men, seeing a Voyage from the *West of Scotland* to *Ireland*, not 16 hours sailing was then more formidable generally to People, who otherwise would have undertaken willingly the Voyage, [52] than now from *Lieth* to *America*, whither several Ships have gone without the least discouraging accident.

But now to come to the Answer of your most material Question, to wit : *What I judge the most proper place in America, for a seat to those who would resolve to go hence upon such a Design*. For your satisfaction in this, I shall very freely tell you my own Opinion, that having for some time made it my work to consider all the *Coast of America*, from the River of *Canada* Northerly to the River of *Mary* Southerly, in that part of *Florida* now called *Carolina* ; having in my search had the opportunity of informing myself of the different nature of the Soils, the temperature of the Climats, the healthfulness of the places the Constitutions of the several Governments, the conveniences of Access, the advice given to *Phaeton*, appears very apposite, *medio tutissimus ibis* ; and so *East Jersey*, upon the River of *Hudson*, is the place I find myself obliged to prefer to any other of the *English Plantations* upon that coast ; upon some or other if not most of the above named considerations.

That you may be convinced of the truth of this, I here send you what description I have [53] of that place, as it is narrated in a Treatise there anent, emitted lately by the *Scots Proprietors*; I send you also the doubles of several letters, from thence, all agreeing in one, to the advantage of that place, confirming all spoken in the said Treatise: after your perusal of what does follow, you will see whether I have ground or not to make this choise.

It is time now to show how some of our Conntreymen, in order to [advance?] so advantageous a Project, have already purchased a considerable Interest in a Plantation, which is justly esteemed not Inferiour, if not beyond, any place upon the whole continent of *America*, belonging to the *English* Dominions, called *East-New-Jersey*. The deduction of the right of it is this:

The KING by Patent to the Duke of *York* granted a great tract of Land lying betwixt *Virginia* and *New England*. It was formerly in the hand of the *Dutch*, and considerably improved by them, and called *New Netherlands*, And by treaty after the first *Dutch Wars*, Surrendered to the King that part of it lying betwixt *Delaware* and *Hudsons River* called *New-Cesaria*, or *New Jersey*; which is betwixt the 39 and 41 Degree of *Northern Latitude*; was by the [54] Duke of *York* granted to *John Lord Barkley* and *Sir George Cartwright*, That part which belonged to the *Lord Barkley*, being assigned to *Edward Billings*; afterwards, by a deed of Partition betwixt the said *Edward Billings* and *Sir George Cartwright*. The West Part lying upon *Delaware River*, was allotted to *Edward Billings* for his share, and the *East* part lying upon *Hudson's River* nearest to the Province of *New York*, was appointed to *Sir George Cartwright* for his share; Which part, now called *East-New-Jersey*, is from *Sir George Cartwright* conveyed to twelve Persons in and about *London*, who have since conveyed an half to other twelve, so that as well the Right of Government as the Soyl, standeth now in 24 Proprietors, in favour of some of whom the Duke of *York* has been lately pleased to make a new Grant of Confirmation, both of Soyl and Government to the twenty-four Proprietors, with the same Power and Priviledges, he has in his Patent from the King, which are as large as any other Plantation hath, for the Words of the Dukes Patent are as followeth:

[55.] *The Patent from the King. to James Duke of York, &c.*

[Then follows the patent, extending to the second line of the

sixty-fifth page, inclusive, which it is considered unnecessary to insert, as its tenor is given in several other works, and the whole of it in *Learning and Spicers Grants and Concessions*, p. 3; agreeing with the copy given in the "Model," excepting that the latter bears date 29th June instead of 12th March, the true date; a discrepancy for which it is impossible to account. ED.]

The SCOTS Proprietors are the Earl of *Perth*, Lord High Chancellor of SCOTLAND, his Brother, the Viscount of *Melfoord*, Secretary of State for this Kingdom, and the Viscount of *Tarbit*, Lord Register; *Five hundred thousand Acres*, being seven parts of the 24 belongs to these three, and some other Gentlemen.

This Province or Collonie lyes betwixt 39 and 41 Degrees of Latitude, being about 12 Degrees more to the *South* than the *City of London*. It is in the same Climate with the Kingdom of *Naples*, and *Montpelier* in *France*. The Summer is hotter and longer than in *England*, and the Winter colder and shorter, the dayes about an hour longer in Winter, and as much shorter in Summer. Is bounded *South East* with the Maine Sea, *East* by that vast Navigable Stream called *Hudson's River*, which divides this from the Province of *New York*, *West* by a Line of Division, which separates this Province from *West Jersey*, and *North* upon the Maine Land; And Extends itself in length upon the Sea coast and amongst *Hudson's River*, one [66] hundred *English* miles and upwards.

The Scituation of this Countrey is just, as it were, in the Center of the *English plantations* in *America*, betwixt the South parts of *Carolina*, which is over hot; and the North parts of *Pemaquitte*, next *New Scotland*, which are coldest; so that its conveniencie of situation, temperature of the Aire, and fertility of the Soyl is such, that there is no less than seven Towns considerable already, (*viz.*) *Shretsbury*, *Middletown*, *Berghen*, *New-wark*, *Elizabeth-town*, *Woodbridge*, and *Piscataway*, which are well inhabited by a sober and industrious people, who have necessary provisions for themselves and families, and for the comfortable entertainment of Travellers and Strangers.

And the Quit-rents or Fewes (as they are called) of these Towns and other plantations, already in the Countrey, yeelds to the 24 Proprietors above 500 *lib: sterling*, yearly Revenue, and the Aire of this Collonie, is experimentally found generally to agree well with *English* Constitutions, and consequently with Ours.

For Navigation it hath these advantages, not only to be scituate along the Navigable [67] parts of *Hudsons River*, but lyes also fifty myles along the Main Sea, and near the midst of this Province is that noted Bay for Ships within *Sandy Hook*, very well known, not to be inferiour to any Harbour in *America*, where Ships not only harbour in greatest storms, but there Ryde safe with all Winds, and sail in and out thence as well in *Winter* as *Summer*. For Fishery the Sea-banks are very well stored with variety of Fishes, not only such as are profitable for Exportation, but such as are fit for Food there; There are *Whales*, *Coad-fish*, *Colling*, and *Hake-fish*, and large *Mackeril*, and also many other sorts of small *Flate-fish*; The Bay also, and *Hudsons River*, are plentifully stored with *Sturgeon*, and other *Scale fish*, *Eils*, and *Shell-fish*, as *Oysters*, in abundance.

This Countrey is also plentifully supplied with Lively springs, *Rivolets*, *Inland-Rivers*, and *creeks*, which fall into the Sea, and *Hudson's River*; in which also there is a varietie of Fresh-fish and water Fowl.

There are little hills from *Rariton River*, which is about the middle of this Province, that go to the very *North West bounds* of [68] it, in which are abundant of good Mill Stones to be had, and there are many, both *Corn* and Saw Mills set and setting up already, also on the other side of these Mountains, there is brave fresh *Rivolets*, fit for setting of *In-Land-Towns*, and a great deal of Meadow-ground upon the banks thereof, so that there is abundance of Hay to be had for Fodering of Cattle in the Winter time, and these Meadows show the Countrey is not altogether covered with Timber.

Its true, the first difficulty meets People in Planting there, is the cutting down Wood (Tho having some Meadow intermixt already, well covered with Hay, is a great ease) yet the trouble is compensated by the advantage, which the timber, being cut down, yeelds, being good Oake, fit for Shipping and Masts: and also, Chesnute, Walnut, Poplar, Cedar, Ash, Fir; And also, by the fertilitie of the Soyl, being cleared, which yeelds a vast increase not only of *Indian Corn*, which is a very wholesome Food, but of *English* grain, as Wheat, and Barley, whereof it usually yeelds betwixt the 20 and 30th fold, and with far less labour (the timber being once removed) than in *Britain*. And to show the labour of cutting down the Trees, and clearing the ground, is not so great as [69] some may Imagine; It is

known by experience, that two men arriving there in *September* or *October*, may clear as much ground as usually brings by Harvest following twenty Quarters, that is about 30 *Scots Bolls* of grain.

This Country also, produceth good Flax and Hemp, which they now spine, and Manufacture into Linnen Cloth, & the very Barrens there (as they are called) are not like most in *Britain*, but produce Grass fit for Grazing Cattle in Summer time. There is also upon Ground (already cleared) store of good *English Clover Grass* growing; the Countrey is well stored with wild Deir, Connies, and wild Fowl of several sorts, as Turkeya, Pigeons, Partridges, Plovers, Quails, wild Swans, and Geese, Ducks, in great plenty. It produceth variety of good and delicious Fruits: as Grapes, Plumes, Mulberries, and also Appricocks, Peaches, Pears, Apples, Quinches, Water Millons, which are in *England* planted in Orchards, and Gardens, but grow there with far less labour; and many more Fruits, which come not to perfection in *England*, are the more natural product of this Countrey. It is thought Olives would grow well there, and [there] being store of [70] Mulberrie Trees, Silk Worms would do well there: for they were tryed in *Virginia*, and proved very well, if the laziness of the People, and there being wholly set upon Tobacco, and the Interest of the Merchants who were afraid it might spoil there Silk-Trade from the *Straits*, had not hindered.

To shew how Fruit-Trees do advance in that Countrey, it is credibly reported, that about *Burlingtoun*, in *West Jersey*, which is [more?] *Northernly* than the greatest part of this Province, from an Apple-tree-Seed in four years, (without grafting) there sprung a tree, that in the fourth year bore such a quantitie of Apples, as yeilded a barrell of Syder.

There is there also, great store of Horses, Cows, Hoggs, and some Sheep, which may be bought at reasonable prices with *English* money, or *English* Commodities, or man's labour where goods and money are wanting.

For Minerals, It is thought there are not wanting of several sorts, For there is an Iron work already set up, where there is good Iron made; And also, there is discovered already abundance of Black Lead.

[71] It is exceeding well furnished with safe, convenient Harbours for shipping, which is of great advantage; and affords already for Exportation, great plenty of Horses, and also Beef, Pork, Pipstaves, Bread,

Flower, Wheat, Barly, Rye, *Indian* Corn, Butter, and Cheese; which they export for *Barbadoes*, *Jamaica*, *Nevis*, and other adjacent Islands, as also to *Portugal*, *Spain*, and the *Canaryes*; their *Whale Oyl*, and *Whale Fins*, *Beaver*, *Mink*, *Raccoon*, and *Martine-skins* (which this Countrey produces) they transport for *England*.

The *Indian Natives* in this Countrey are but few comparative to the Neighboring Collonie; and these that are there, are so far from being Formidable, and injurious to the Planters and Inhabitants, that they are really serviceable, and advantagious to them, not only in hunting, and taking the Deer, and all other wild Creatures, and catching of Fish, and Fowl fit for food, in their seasons; but in the killing and destroying of Bears, Wolves, Foxes, and other Vermine, whose Skins and Furs they bring the *English*, and sell at less price, than the value of the time [72] that people must spend to take them. Like as—that this Collonie may be founded in Justice, and without any thing of Oppression,—all that is already Planted, is truly Purchased from the *Indians*, so there is a great deal more of the Province cleared by their consent; and all is intended by paction with them to be obtained; so that whoever Purchase, or Plant under the Proprietors: shall be freed of that incumbrance: and if there were any hazard from the *Indians*, as really there is none, yet this Province could hardly be in any danger: In respect that to the *North*, upon the *Main Land*, from whence the hazard if any must come, the Province of *New York* comes betwixt it and them, and 20 miles and more above, upon *Hudsons* River, there is a Fort called *New Albany*.

There were Constitutions of Government made by the Lord *Barkley*, and Sir *George Cartwright*, in which such provision was made, both for Liberty of Religion and Propertie, that the Province hath been considerably Peopled and many resorted there from the Neighbouring Collonies, so that the Planters are able already to Muster 500, well Armed Men.

[73] Then follow “The Concessions”—which it was deemed unnecessary to insert here, as they are preserved in “*New Jersey Grants and Concessions*,” the *Elizabethtown* Bill in Chancery, and in *Smith’s History*, and their purport given in several other works; They occupy of the book from page 73 to (7th line of) page 101, inclusive. Ed.]

By this *Constitutional Government*, by the Lord *Barkley*, and Sir *George Cartwright*, such provision is made both for *Liberty of Reli-*

gion and *Property*, that the *Province* hath been considerably peopled; many resorting thither from the *Neighbouring Collonies*, beside what have gone from *England* and this Kingdom, within this few years, so that the planters are able to muster 600 well Armed Men.—The *Proprietors* have framed a new *Scheme of Government*, which is not yet fully concluded on, but is intended rather to be an enlarging, than an abbreviation of the former, and making it more easy, and advantageous for the *Inhabitants*, the chief parts of it are :

That the 24 *Proprietors* shall choose a [102] Governour, 16 of them has a conclusive Vote in it, after the death of him now chosen, he shall continue but for 3 years, and be lyable to the *Censure of the Proprietors and great Council*, and punishable if he transgresses. There is a *great Council* to meet once a year (and sit, if they see meet, for 3 *Moneths*) consisting of the 24 *Proprietors*, and 28 chosen by the *Planters*, and *Inhabitants*, two thirds Conclude, the one half of the *Proprietors* assenting; and no money can be raised, or Law made, to touch any mans *Libertie* or *Property* but by this Council. There is a Common Council to sit constantly, Consisting of the 24 *Proprietors*, or their *Proxies*, and nine chosen out of the *Representatives of the Planters*, in all 33, to be divided into three *Committies*, 11 to each, one for the *Publick Policy*; One for the *Treasurie and Trade*, and one for *Plantations*.

To avoid *Lording over one another*, No man can purchase above the 24th part of the Countrey; and on the other hand, least any should squander away their Interest, and yet retain the *character of the Government*, that belongs to *Property*, and thence be capable to betray it, as not being bound by Interest, [103] there must be a suitable quantity retained, otherwise the Title in the Government extinguishes in him, and passes to another, to be Elected by the *Proprietors*, that *Dominion* may follow *Property* and the inconveniency of a *Beggarly Nobility*, and *Gentry* may be avoided.

No man can be judged in any cause, either Civil or Criminal, but by a *Jury* of his Peers, and to avoyd in that all *Caballing*, the names of all the County or *Neighborhood*, Capable to be Chosen, are to be writ in little pieces of *Parchement*, and the number of the *Jury* to be taken out by a Child under 10 years of age. And the *Proprietors* as well as others are to be lyable to the like tryall, and not under any *Exception*.

Libertie in matters of *Religion* is established in the fullest manner.

To be a *Planter* or *Inhabitant*, nothing is required but the *acknowledging* of One Almighty God, and to have a *Share* in the *Government*, a *simple profession of faith of Jesus Christ*, without descending into any other of the differences among Christians, only that Religion may not be a cloak for disturbance; who ever comes into the *Magistrature*, must declare [104] they hold not themselves in conscience obliged, for Religions sake, to make an alteration, or to endeavour to turn out their partners in the *Government*, because they differ in *Opinion* from them, and this is no more than to follow that great Rule, *To do as they would be done by.*

These are the *Fundamentals*, which are not alterable by any Act of the great *Council*, as other things, by the voices of 2 thirds, but only by an universal agreement; so it is hoped, that this hint will satisfy all sober and understanding people, what Encouragement such a Government may give.

For Husband-men that have a Stock, able to transport themselves and Families, with a few Servants, and to have but a 100 pound Scots, or a 100 Merks more,¹ to carry over in Commodities, they shall have upon their arrivall 100 Acres of good ground, measured out to them, or above. not exceeding 500. Acres: And for their encouragement, shall for the first 7 years pay nothing, and then what they please, not under 100, nor exceeding 500 Acres, confirmed to them, and their heirs for ever, paying half a Crown [penny?] an Acre, never to be raised upon them: And [105] for the Charge of the first year, they may easily Calculate it, by carrying over as much Oat-meal, as will serve them Bread, and the freight will be inconsiderable, and they will get flesh enough in the Countrey for killing, without charge, and will be able to clear more ground the first winter, than will doubly serve their Families after the first harvest, so that they will only have to buy with the Commodities, they carry over with them, Seed and Beasts.

The Charge of transportation, is, for every Man or Woman 5 lib. sterling, passage and intertainment, for Children under 10 years of age, 50 shillings; and Sucking children nothing; 40 shillings for the tunn of goods, and often under.

¹In the original of the "Description" from which the matter in the text is taken, the sums here named are 1000 each: which is correct and not to be determined. Ed.

The Voyage is judged lesse *Sea hazard* than either to *Holland*, or *London*, and if there be any tollerable winds, it is easily made in 6 weeks. There went a ship last harvest to *West Jersey*, from the Road of *Aberdeen*: and they came to *Delaware River mouth* in 8 weeks, though they had great Calmes, and of betwixt 30 and 40 Passengers that went out of *Aberdeen* several *women* and *children*, not above 4 of them had been at Sea before, not one dyed, nor was sick *by the way*.

[105] For *Ordinary servants*, who are willing to go over, *after 4 years service* from the time of their *arryvall there*, (during which time they shall be well entertained in *meat and cloathing*) they shall have set out to each 25 *Acres to them and theirs forever*, paying 2 *pence an Acre*, as much *Corn* as will sow an *Acre*, and a *sute of new Cloaths*: Now, considering that there is 5 *pound sterling* payed for their Passage, these are good termes; and then, after the terme of their service is expired, they will gain more in one year there, than they can do in two at home, towards the gaining of a Stock to their land; and it may be easily conceived that they will be well treated by their Masters, since it is their Interest to do so there more than here, for that they would be Considerable Losers, either by their Death, or sicknesse, being out so great an advance for them, if, by any hardship, they should be disabled to serve out their times.

All Sorts of Tradesmen may make a brave *Lively hood* there, such as *Carpenters, Ship-wrights, Rope-makers, Smiths, Brick-makers, Taylors, Tanners, Cowpers, Mill-wrights, Joyners, Shooe makers, &c.*, and any such like, who are [107] willing to go serve the four years, not having to transport themselves, *shall in consideration* of their Trade, have (after the expiring of their Service) 30 *Acres*, 2 *pence the Acre*, so much *Corn* as will sow 2 *Acres*, a *cow* and a *Sow*, and for the incouragement of any such Tradesmen, who are willing to go over and transport themselves, they shall have the like quantitie of Land, at the same rent, and the *Proprietors* will oblige themselves to find them work for a year, after their *arryval*, at as good Rates as they can have here, untill they furnish themselves with some Stock to make better advantage upon the *Place*.

We will not encourage any to go there in expection of *Gold and Silver mines*: yea, tho there were such in the Countrey, we should not be curious nor industrious to seek them out: being, besides the *Toyl*, and *Labour*, but occasions [of] *envy*, and *Emulation*: Nor yet

is there *Sugar* or *Indigo* there, or *Cotton*, nor any store of *Tobacco*, tho it grows there very well, But we consider it not our interest to imploy much ground on it: The *Riches* of this Countrey Consists in that which is most Substantial and necessary for the use of men, to wit, plenty of Corn and Cattle, (and they have [108] besides Vines, and Fruits in abundance, as before has been said) so they who dwell here, need not to be oblidged to any other *Plantation* for any thing necessary for Life: and all other Plantations are beholden to them for necessities, without which, their other Curiosities would litle avail them: This, with the Province of *New York*, being the *Granary* or *Store house* of the *West Indies*, without which *Barbadoes* and the *Leeward Islands*, could not subsist; Yea, *New England* is forced to come there every year for Corn, this, with the advantage of Fishery, being considered, will easily induce Sober and industrious People, to prefer a Plantation here to most other places.

[The Duke of York's grant to the twenty-four Proprietors, is then inserted in the original work, occupying to the 125th page inclusive, with which historians are conversant from its being incorporated in Smith's History of the Province, as well as in Leaming and Spicer's Compilation of Grants, &c. Ed.]

[126] Sir:—By what is above written, I hope you are sufficiently convinced of the justness of the Title of the Proprietors, to what is contained in the Patent granted by the late King of happy Memory, to his Royal Brother *James Duke of York*, now our Most Gracious Sovereign, And now conveyed by him as you see; and also, that by the constitution of the Government, these who subject themselves thereto may rationally propose comfortable and peaceable life, without any just ground of Fears of any incroachment upon their properties or liberties, even in matters of Opinion, when the Proprietors are so far by their own concessions, from exempting themselves from being subject to the Law, that they declare themselves lyable thereto, as the meanest Inhabitants are, by one of the fundamental Constitutions. It remains to give you as good ground to believe the above written description of the place to be consonant to truth, and I shall offer you no other proof of this then what sufficiently convinced myself, that there can hardly be any cheat in the [127] affair, to wit, the perusal of the following Letters from that place, which I have been at great pains to collect for my own satisfaction in the particular. Yea, I have been so much upon my guard that I might not be

imposed upon in this, that I have myself seen the principals of many of them, when you consider they come from several hands, at several times, from People of Different persuasions, and yet not the least contradiction to be observed, amongst them all; and that the account given therein to the Generall Advantage of the Countrey, is homelogat by severall Gentlemen and Merchant, in this city, who to myself have Declared they have been eye witnesses to the truth of the most materiall Passages in these accompts narrated to the advantage of the place, I hope you will find yourself obliged to rest Satisfied therewith.

[128] AN ACCOUNT of the settled *Towns*, and most part of the *Plantations*, or Tract of Land, taken up in the Province of *East New Jersey*, beginning at the outer most *Southerly parts*, towards the Sea; so going up *Northerly* on *Hudsons River* to its utmost extent. This was the Condition of the *Province* Anno, 1680, Given under the hand of Captain Nicholls, *Secretary* of the *Duke* in *New York*.

Shrewsbury. A Town in that *Province* lyes without *Sandy-point*, and hath the farthest plantation to the Southward. Its scituate on the side of a River not far from its entrance, and extends up into the Land a little distant from the said River, about eight myles, near unto *Collonel Morice*, his *Iron Mill* and *Plantation*.

There is within its Jurisdiction *Collonel Morice*, his Mannour, being of——— thousand *Acres*, wherein are his *Iron Mills*, his *Mannours*, and diverse other buildings for his Servants and dependants there, together with [129] 60 or 70 *Negres*, about the Mill and Husbandries, in that Plantation.—There are diverse out plantations, accounted to belong to the *Jurisdictions of the Town*, some in necks of Land by the Sea side, others within Land, and towards *Midletoun*-bounds, and others on the *north side* of the River, below *Collonel Morice* his *Iron Mills*: The computation of *Acres* taken up by the Town may be 10,000 *Acres*, and what is taken up by *Collonel Morice* and the other Out-plantations, 20,000 *Acres*, the number of the Families in Town are 80, and of Inhabitants, Men, Women and Children 400.

Midletoun is next, 10 or 12 myles over Land, Northward from *Collonel Morice* Iron Mills, being 9 or 10 myles up from the entrance of that River: that which is properly the Town may consist of 100 Families, and of Inhabitants 500; and of *Acres* taken up for the Town 10,000; and for the several Out plantations 20,000.

This was the second place settled in till *Nichols* time, 1664, but

there are many considerable Plantations within the Jurisdiction of that Town, viz.: Captain *John Broun* and [130] others that first settled, who removed out of the Town and settled greater plantations abroad, *Richard Hartshorn* hath a Plantation, with considerable Land belonging to it, part within, and part without *Sandy Hook*, which with a part of *Coney Island*, and *Long Island* opposite to it, makes the entrance into the Bay that goes up to *New York*, and also to the Lands of *East New Jersey*; the Town is above 5 myles from the entrance of the Creek or River that goes up to it from the Bay.

There was a Plantation on the North side of the Creek at its entrance, first settled by *Nicolas Davis*, having a large tract of Land belonging to it of 2 or 3000 Acres, since divided to diverse, besides several Out-plantations; and there is a great Deall of waist Land, and other Improveable, betwixt this and *Piscattaway* for about 20 myles: There was a court of Sessions held twice or thrice a year for these two Towns, and their Jurisdictions.

Thirdly. *Piscattaway* Lyes next 25 or 26 miles from *Midletown*, Its up *Rariton* River 5 or 6 myles westward in, and there is about half myle within Land. The entrance into *Rariton* River is at the bottome [131] of the Southern bay, and opposite to the Southermost points of *Staten Island*, the Northwest point of the entrance is called *Amboy point*, where is a fair tract of Land formerlie reserved by the proprietor for his own use.

There are several Plantations all along on the North side of the River as you goe up to the Town, and some on the South side, among which are considerable belonging to one *Thomas Laurence*, a baker at *New York*, his wife's son, about 3000 Acres.

Vp higher on *Rariton* River, near the falls which are about 3 miles over Land, there are severall Plantations, a good big vessel loaden may goe up to the falls, and so may above it for several miles in the River, at the falls its fordable for horses and other cattle, unless in great Floods, when men may goe over in boats and Canoes, and horses will swim over though the River be a good breadth.

About the falls, there are severall tracts of lands, some upon one side, some on the other side of the River, viz.: a place called by the Indians *Rachahova Wallaby*, Captain *John Palmer* of *Staten Island*, *Mr. Thomas Coddington*, *Mr. White* and [132] *Company*. Merchants at *New York*, in part settled there on 6 or 7000 Acres: *Mr. John Robison*, *Mr. Samuel Edsall* and *Company*, of *New York*, on 6 or

imposed upon in this, that I have myself seen the principals of many of them, when you consider they come from several hands, at several times, from People of Different perswasions, and yet not the least contradiction to be observed, amongst them all; and that the accompt given therein to the Generall Advantage of the Countrey, is homologat by severall Gentlemen and Merchant, in this city, who to myself have Declared they have been eye witnesses to the truth of the most materiall Passages in these accompts narrated to the advantage of the place, I hope you will find yourself obliged to rest Satisfied therewith.

[128] AN ACCOUNT of the settled *Towns*, and most part of the *Plantations*, or Tract of Land, taken up in the Province of *East New Jersey*, beginning at the outer most *Southerly parts*, towards the Sea; so going up *Northerly* on *Hudsons River* to its utmost extent. This was the Condition of the *Province* Anno, 1680, Given under the hand of Captain Nicholls, *Secretary* of the *Duke* in *New York*.

Shrewsbury. A Town in that *Province* lyes without *Sandy-point*, and hath the farthest plantation to the Southward. Its scituate on the side of a River not far from its entrance, and extends up into the Land a little distant from the said River, about eight myles, near unto *Collonel Morice*, his *Iron Mill* and *Plantation*.

There is within its Jurisdiction *Collonel Morice*, his Mannour, being of—— thousand *Acres*, wherein are his *Iron Mills*, his *Mannours*, and diverse other buildings for his Servants and dependants there, together with [129] 60 or 70 *Negres*, about the Mill and Husbandries, in that Plantation.—There are diverse out plantations, accounted to belong to the *Jurisdictions of the Town*, some in necks of Land by the Sea side, others within Land, and towards *Midletoun*-bounds, and others on the north side of the River, below *Collonel Morice* his *Iron Mills*: The computation of *Acres* taken up by the Town may be 10,000 *Acres*, and what is taken up by *Collonel Morice* and the other Outplantations, 20,000 *Acres*, the number of the Families in Town are 80, and of Inhabitants, Men, Women and Children 400.

Midletoun is next, 10 or 12 myles over Land, Northward from *Collonel Morice* Iron Mills, being 9 or 10 myles up from the entrance of that River: that which is properly the Town may consist of 100 Families, and of Inhabitants 500; and of *Acres* taken up for the Town 10,000; and for the several Out plantations 20,000.

This was the second place settled in till *Nichols* time, 1664, but

there are many considerable Plantations within the Jurisdiction of that Town, viz.: Captain *John Broun* and [130] others that first settled, who removed out of the Town and settled greater plantations abroad, *Richard Hartshorn* hath a Plantation, with considerable Land belonging to it, part within, and part without *Sandy Hook*, which with a part of *Coney Island*, and *Long Island* opposite to it, makes the entrance into the Bay that goes up to *New York*, and also to the Lands of *East New Jersey*; the Town is above 5 myles from the entrance of the Creek or River that goes up to it from the Bay.

There was a Plantation on the North side of the Creek at its entrance, first settled by *Nicolas Davis*, having a large tract of Land belonging to it of 2 or 3000 Acres, since divided to diverse, besides several Out-plantations; and there is a great Deall of waist Land, and other Improveable, betwixt this and *Piscataway* for about 20 myles: There was a court of Sessions held twice or thrice a year for these two Towns, and their Jurisdictions.

Thirdly. *Piscataway* Lyes next 25 or 26 miles from *Midletown*, Its up *Rariton* River 5 or 6 myles westward in, and there is about half myle within Land. The entrance into *Rariton* River is at the bottome [131] of the Southern bay, and opposite to the Southermost points of *Staten Island*, the Northwest point of the entrance is called *Amboy point*, where is a fair tract of Land formerlie reserved by the proprietor for his own use.

There are several Plantations all along on the North side of the River as you goe up to the Town, and some on the South side, among which are considerable belonging to one *Thomas Laurence*, a baker at *New York*, his wife's son, about 3000 Acres.

Vp higher on *Rariton* River, near the falls which are about 3 miles over Land, there are severall Plantations, a good big vessel loaden may goe up to the falls, and so may above it for several miles in the River, at the falls its fordable for horses and other cattle, unless in great Floods, when men may goe over in boats and Canoes, and horses will swim over though the River be a good breadth.

About the falls, there are severall tracts of lands, some upon one side, some on the other side of the River, viz.: a place called by the Indians *Rachahova Wallaby*, Captain *John Palmer* of *Staten Island*, *Mr. Thomas Coddington*, *Mr. White* and [132] *Company*, Merchants at *New York*, in part settled there on 6 or 7000 Acres: *Mr. John Robison*, *Mr. Samuel Edsall and Company*, of *New York*, on 6 or

7000 Acres; Captain Palmer, Mr. White, Captain Corsen, and Company, on 5 or 6000 Acres.

There is some other land taken up by Milstoun River, which comes into Rariton River, and is near the middle bounds between the two Provinces of East and West Jersey. You pass Milstoun River to goe over Land from Piscattaway to Meltinsed, an Island in Delaware River, which is near Burlingtoun.

The Town consists of about 80 Families, and of about 400 Inhabitants; and of Acres about the Town about 10,000, and for the Out-Plantations 30,000.

Woodbridge is over Land from Piscattaway about 7 or 9 miles; it lyes up a River, the entrance whereof is about 5 or 6 miles to [133] the North of Amboy Point, the tide ebbing and flowing betwixt the Main Land of New Jersey and Staten Island on the West side, as it doth on the East side of the said Island and Long Island.

On the South side of the entrance into the River or Creek, Mr. Delapairs¹ Surveyour Generall hath a neat Plantation, and he hath severall tracts of land in the Province. There are other Plantations on the South side of the River or Creek, within Land, and diverse on the North side, lying along the water side opposite to Staten Island, until you come to a Creek or River that divydes their bounds from those of Elizabeth Town; the mouth of it being 8 or 9 myles from Woodbridge.

There are several Plantations on the South side of the Creek, to the Road that goes along from Woodbridge to the Town, and passeth over that River, it being fordable over [to] the Plantation on the North side. Sayling to Elizabeth Town, It's reckoned from one Town to the other, about 15 or 16 miles, over Land, but its more by water. This Town pretends to have more priviledges [134] than any other Town in the province, and hath a Charter of Corporation. It hath a Court house, and a prison built on their charge. It consists of about 120 Families, and 600 Inhabitants. The Acres taken up by the Town, may be about 10,000, and for the Out-plantations about 20,000.

Elizabeth Town is the first new place that was settled in 1664, by vertue of a patent from Mr. Nichols to Captain John Baker, before the Lord Barkley, and Sir George Cartwright's Title was known.

¹De la Pierre, and La Prie, were names sometimes conferred upon Robert Vauquellin.—Ed.

This Town lyes up 3 miles within a Creek, the entrance whereof is opposite to the Northeast end of Staten Island.

There are several Out-plantations on the North side of the River which divides the bounds between this Town and *Woodbridge*, particularly where the roads pass over, to which place is about 7 or 8 myles.

There are other plantations at the point or entrance of the Creek, on the North side of it, commonly called Governour *Cartwright's point*, where there is another farme, between the proprietor and him. Its but a narrow passage there [135] over to the meadows of *Staten Island*, then on Northward there are other Plantations fronting to the Bay that lyes to the North part of *Staten Island*, besides some other within Land, from the Town to *New York* bounds.

There is in this Town a house, orchards and farme within the Town in partnership between the Proprietor and Governour, *Philip Cartwright* it being one of the first houses built there, and hath all along been the resident of the Governour, until of late he hath finished his New house.

The Town is built on both sides of the Creek, and Consists of 150 Families, and of 700 Inhabitants. The Acres taken up by the Town are computed to be 10,000, and for the Out-plantations 30,000.

Newark, alias *Milfoord*, is a Town distant to the Northward over Land from *Elizabeth Town*, about 6 or 7 myles. It lyes on a River called *Newark River*, which emptieth itself into the Bay about 4 or 5 myles down: opposite to the Town on the North side of the River lyeth a great tract [36] of Land belonging to Mr. *Kingsland* and Captain *Sandford*, the *quittrents* whereof are purchased.

There is another tract of Land taken up higher on the River by Captain *Berrie* who hath disposed of a part of it. There are several Plantations settled there. Its said he hath about 10,000 Acres there; further up the water, is an Island of about 1000 Acres belonging to Mr. *Christopher Hoogland* of *Newark*, if it be not an Island, it is tyed by a very narrow slip of Land to the *Continent*.

Above that again is a greater tract of Land, above 8 or 9000 Acres, purchased by lease of the Governour, according to the Concessions, by Captain *Jacques Cartelayne*, and partners, Who have begun some settlement.

All these tracts of Land are within the Jurisdiction of *Newark*.

In this Town hath been a Court of Session, held between this and *Elizabeth Town*. It is the most compact Town in the Province, and consists of about 100 Families, and of [137] about 500 hundred Inhabitants. The Acres taken up by the town may be about 10,000, and for the Out-plantations, over and above beside Mr. *Kingsland* and Captain *Sandfords*, 40,000 Acres.

At the bottom of the Bay upon *Over-peck Creek*, side near *Hackinsack River*, There is a River settled by severall Valleys, having a brave mill belonging to it; they have taken up a brave piece of Land into their plantations, for the which Mr. *Nichols* of *New York* hath a patent, but gave leave to their settlement at the request of Governour *Cartwright*, on promise of as much more in a better place.

Near unto *Snake hill* is a brave Plantation, on a piece of Land almost an Island, containing 1000 or 1200 Acres, belonging to Mr. *Penhorn* a Merchant at *New York* and one *Edward Eicke*.¹ Its well improved and Stockt, Mr. *Penhorn* payed for his half 500 lib. There are other Plantations upon *Hackinsack River* which goes a great way up the Countrey, almost *North West*, there are other also on the *East side* of another creek or River, at *Hackinsack River*.

[138] There is a large neck or Tract of Land for which one Mrs. *Kirkstead* of *New York* hath a Patent, given her by an old *Indian Sachem*, in recompence for her Interpreting the *Indian Language* into *Dutch*, as there was occasion; there are some little Families thereon. Between 2 or 3 myles up there is a great Plantation settled by Captain *John Berrie*, where he now Lives, where he now Lives, there is a good house thereon, and a good quantity of Land cleared, and Improved by 20 *Negres* or more; he hath about 2000 Acres of Land there.

There is another Plantation adjoyning, which belongs to his son in Law, Mr. *Michell Smith* who hath about 1500: or 2000 Acres; who by 16 or more *Negres*, hath improved a good quantity of that Land. And there is another Plantation more near to Captain *Berrie*, belonging to Mr. *Baker* who came from the *Barbadoes*, and bought the Land from Captain *Berrie*, being about 7 or 800 Acres; part of which he hath improved by 7 or 8 *Negres*. [139] On the *West-side* of the Creek opposite to Captain *Berrie*, there are also other Plantations

¹ Winfield in History of Hudson Co., p. 127, says this should have been *Edward Earle*.

but none other more *Northerly* up above these Plantations on that side of the neck of Land that is between *Hudsons River* and it; the neck of Land is in breadth from Captain *Berrie's* new Plantations on the *West side* where he lives over to his old Plantations, to the *East Hudson's River-side*, about 3 myles, which distance, severs to *Constables-Hook* upward of 10 myles.

To goe back to the South part of *Berghen neck* that is opposite to *Staten Island*, where is but a narrow passage of water, which ebbs and flowes between the said Island and *Berghen Point*, called *Constable-Hook*. There is a considerable Plantation on that side of *Constable-Hook*, *Extending* in Land above a myle over, from the Bay on the *East side* of the neck that leads to *New York*, to that on the west that goes to *Hackinsack* and *Snakehill*: the neck running up between both from the South to the north of *Hudson's River* to the outmost extent of their bounds. [140] There belongs to that *Plantation* about 12 or 1500 Acres, and it's well stockt and improved: it was Settled first by *Samuel Edsall* in *Colonel Nichols* time, and by him sold 3 years ago, for 600 : lib.

There are other small Plantations along that neck to the *East*, between it, and a Little village of 20 Families called by the Indians ——— or *Penelope*, [*Pembrepogh* ?] then further one to another cottadg; there are more where *Lawrence* the *Draper* lives, a *Dutchman*,¹ there may be 16 or 18 Families; then one to *George Umpene*, [*Goumounepan* ?] which is over against *New York*, where there is about 40 Families; within which, about the midle of the neck, which is here about 3 myles over, stands the Town of *Berghen*, which gives name to that neck; then again *Northward* to the water side going up *Hudson's River*, there lyes out a point of Land, wherein is a *Plantation* and a water [*mill* ?] belonging to a merchant in *New York*.

Southward there is a small village about 5 or 6 Families, which is comonly called the *Dukes Farme*, and hath always [141] paid a small annual rent to the Governour of *New York*, who first granted it out for two lives, but is leased out now for some years, yet is under the Jurisdiction of *New Jersey* for Government: further is a good Plantation in a neck of Land almost an Island, called *Hobuk*. It did belong to a *Dutch Merchant*, who formerly in the Indian war had his Wife, Child-

¹ *Lawrence Andress*, probably.—Ed.

ren and Servants murdered by the Indians, and his house cattle and Stock destroyed by them. It's now settled again, and a mill erected there by one dwelling at New York.

Vp Northward along the river side are other Lands near to Mr. William Laurence, which is 6 or 7 myles further; opposite thereto, there is a Plantation of Mr. Edsall, and above that Captain Beinfelds Plantation, both without Tennents; this last is almost opposite to the northwest end [of] *Manhattas Islank*—on the south part is *New York town and Fort*; there are other small Plantations up the River to *Havercham*, near the *Highlands*, between which the River leads up to *Sopus* and *Albany*.

Here are the utmost extent of the Northern [142] bounds of *East Jersey* as always computed.

There was here taken up a great tract of Land by *Governour Philip Curtwright* for himself, and another for one *Campyne and Company*. It's supposed to be little improved yet some Plantations are said to be there. Under the Jurisdiction of this Town and *Berghen* are all the Plantations on both sides of the Neck, to its outmost extent, as also those at *Hackinsack*. Here is a Town Court held by *Select Men or Overseers*, who use to be 4 or more as they please to choose annually to try small causes, as in all the rest of the Towns; and two Courts of Sessions in the year, from which if the Cause exceed 20 lib, they may appeal to the *Governour and Council, and Court of Deputies in their Assembly*, who meet once a year. The Town is compact and hath been fortified against the *Indians*. There are now above 70 Families in it. The Acres taken up by the Town may be about 10,000 and for the *Out plantations* 50,000, and the number of Inhabitants are computed to be 350, but many more abroad. The greatest part of the Inhabitants which are in this Jurisdiction [143] are *Dutch*, of which some have settled here upwards of 40 years agoe.

Patents have been given out by the Governour and Council, for the greatest part of the Land here discribad: all Lands Patented are to pay the quit rents, whether improven or not; what is set forth here, relating to East New Jersey, is only Computation of the Neighbours of that Collony: not declaring everything to be just as he hath written, but sets it down as a good part of his own knowledge, the rest guessed at, and is to the best of his remembrance, particularly about the quantity of Acres and number of Inhabitants, viz.

	Acres.
<i>Shrewsberry town and Plantation</i>	30000
<i>Midletoun and Plantation</i>	30000
<i>Piscattaway and out Plantations</i>	40000
<i>Woodbridge and out Plantations</i>	30000
<i>Elizabethtown and Plantations</i>	40000
<i>Newark and out Plantations</i>	50000
<i>Berghen and out Plantations</i>	60000
	<i>in all</i> 280000
[144] <i>Shrewsberry Families</i>	080
<i>Midletoun</i> "	100
<i>Woodbridge</i> "	120
<i>Elizabeth</i> "	150
<i>Piscattaway</i> "	080
<i>Newark</i> "	100
<i>Berghen</i> "	070
	<i>in all</i> 700 Families.

And reckoning 5 to all Families the old Inhabitants in the several Towns estimate to be 3500 Persons. These besides the out Plantations, that cannot be so well guessed at for Families or Persons, as the Towns.

I desire Sir, you may here stop a little, and consider the Incuragement to be had from the above written Information: which will by any understanding Person be judged of very great import; you come not to a place altogether void of Inhabitants, But on the contrary to a Countrey where at your first landing you have houses, which can accomodat you with all necessaries whatsoever. If you look back with me to the great trouble these were reduced to, who first went to that place of the World [145] who were necessitat to carry over with them, Horses, Cows, Sheep, Hoggs, &c., Yea, all sorts of provisions, you will certainly acknowledge that it is a very easie business now, in comparison of what it was then, when so soon as you come to land, you have houses to afford you good and comfortable accommodation, till you make provision for one of your own; when you have some way [to] accomodat yourself with Lodging, you may from all hands provide yourself with Horses, Cows, Sheep, Hoggs, &c., all sorts of Poultry; [and] all sorts of Seed for sowing. This consideration does, in my apprehension, make the Design far

more easie then would appear at first to any who would be necessitat to lay before his eyes great difficulties to be rancountered when come from Ships; lodging is wanting upon the shore, no other Victuals are in readiness but what are brought along from the place they came from, none of these other accommodations to be furnished, but what is brought a great way off; Sir you will be oblidge to say we have even upon this one consideration, a great advantage of our Countrey-men lately settled at *Port Royal* in *Carolina*, to mention nothing else in this place.

But now let us return to the perusal of [146] several Letters from that place, and I desire you to mark narrowly if you observe the least contradiction in any matteriel point, contained in any of them; or if you do not find the above written Discription quadrat in the least particular with the said Letters.

A Letter from Thomas Rudyard, Deputy Governour of New East Jersey, to a Friend at London, dated at East Jersey, the 30th of the 3d moneth called May, 1683.

Dear B. G. To be as particular in my return were but thy due: yet I cannot promise so much; However I may give thee some general account of the Province. and of our satisfaction with our present Lot, the short time I have experienced this.

But to give thee also, as thou desirest, a Character of *Pensilvanial* and *West Jersey*, that will be a task I must be excused to undertake, least I give offence, or at least bring me under censure as partial. Were [147] I not concerned in any of the Provinces I might satisfie thy curiositie, but being chieffle interested in this, I'll be very cautious medling with my Neighbours, more than here one with another; so I may use my freedom with my Neighbours, which they take not ill, but not write that they may take otherwayes. They lye so near adjacent, that they may be said in a sense to be but one Countrey; and what's said for one, in General may serve for all. I have been at *Burlingtoun*, and at *Pensilvania*, as far as *Philadelphia*: which lyes about 20 miles below *Burlingtoun*. That journey by Land, gave

me some view of all the Provinces, and made me more considerably to estimate this of *East Jersey* ; having some Conveniences esteemed by me, which the others are not so plentifully furnished withal, *viz* fresh and salt Meadows, which now are very valuable, and no man here will take up a Tract of Land without them, being the support of their flocks in Winter, which other parts must supplie by store, and taking more care for English Grass. But know, where salt Marshes are not there is no *Muskettos*, [148] and that manuer of Land the more health, and this was often answered me, when I have been making comparisons. I must tell thee, their Character in Print, by all that reads it here, is said to be modest, and much more might have been said in its Commendation.

We have one thing more particular to us, which the others want also; which is vast Oyster banks, which is Constant fresh Victuals during the winter, to *English*, as well as *Indians* ; of these there are many all along our Coasts, from the Sea as high as against *New York*, whence they come to fetch them ; so we are supplied with salt fish at our doors, or within half a tydes passage, and fresh Fish in abundance in every little brook, as *Pearch*, *Trout*, *Eels*, &c. which we catch at our doors. Provisions here are very plentiful, and people generally well stockt with Cattle. *New York* and *Burlingtoun* have hitherto been their market ; Few or no Trading-Men being here in this Province. I believe it hath been very unhappy heretofore under an ill managed Government, and most of [149] the people who are such, have been invited from the adjacent Collonies by the goodness of its Soil, and convenient Scituation. At *Amboy* we are now building some small houses, of 30 foot long, and 18 foot breadth, fitting to entertain Workmen, and such as will go and build larger ; the stones lye exceeding well and good, up the *Rariton River* a Tydes passage, and *Oyster shells* upon the point, to make lyme withall, which will wonderfully accommodat us in building good houses cheap, warm for Winter, and cool for Summer ; and durable covering for houses are Shingles, Oak, Chesnut and Cedar, we have plentiful here of all, the last endures a man's age if he live to be old. There is 5 or 6 Saw mills going up here this Spring, two at work already, which abates the price of boords half in half, and all other timber for building : for although timber cost nothing, yet workmanship by hand was *London price*, or near upon, or sometimes more, which these Mills abate ; we buy Oak and Chesnut boords no cheaper than last

year. My habitation with *Samuel Groome* is at *Elizabeth* [150] *Town*, and here we came first; it lyes on a fresh small river, with the tyde, Ships of 30 or 40 Tuns, come before our doors, throughout this town is good English grass, and bears a very good burthen; we cannot call our habitation solitarie for what with the public employ I have little less companie at my house dayly, than I had in *George Yard*, although not so many pass by my doors. The people are generally a sober professing people, Wise in their Generation, Courtious in their Behaviour, and Respectful to us in office among them. As for the Temperature of the Air, it is wonderfully scituated to the *Humours of Mankind*, the wind and weather rarely holding in one point or one kind for ten dayes together, It is a rare thing for a Vessel to be wind bound for a week together, the wind seldom holding in a point more than 48 hours; & in a short time we have wet and dry, warm and cold weather, which changes we often desire in *England*, and look for before they come. Yet this Variation creates not cold, nor have we the tenth part of the cold as we have in *England*, I never had any since I came [151] and in the midst of Winter and Frosts, could endure it with less cloaths than in *England*: for generally I go with the same Cloaths I use to wear in Summer with you; but warm cloaths hurt not. I bless the LORD, I never had better health, nor my family, my Daughters are very well improved in that respect, and tell me they would not change their place for *George Yard*, nor would I. People here are generally settled, where the tyde reaches; and although this is good Land, and well Timbered, and plentifully supplied with salt Marsh, yet there is much better Land up higher on the River, where they may go up with small boats, where many now are settling. There's extraordinary Land, fresh Meadows overflowed in the Winter time, that produces multitudes of Winter Corns: and its believed will endure 20, 30 or 50 years flowing without intermission, and not decay. Such Land there is at *Sopus* on *Hudson's River*, which hath born Winter Corn about 20 years without help, and is as good as at first, and better. *William Penn* took a view of the Land, this last month when here, [152] and said he had never seen such before in his life: All the *English Merchants*, and many of the *Dutch* have taken, and are desirous to take up Plantations with us. Our Countrey here, called *Berghen*, is almost [all] *Dutch-men*. At a town called *Newark*, 7 or 8 miles

hence, is made great quantities of Syder, exceeding any we can have from *New England* or *Rood Island* or *Long Island*. I hope to make 20 or 30 Barrels out of our Orchard next year, as they have done who had it before me, for that, it must be as Providence orders.

Upon our view and survey of *Amboy Point*, we find it extraordinary well scituate for a great Town or City, beyond expectation, at low water round about are Oysters. There are Oysters of two kinds, small as *English*, and others, two or three morsells, exceeding good for roasting or stewing. The people say, our Oysters are good and in season all Summer. The first of the third Moneth, I eat of them at *Amboy* very good. The point is good lively Land, 10, some places 20 foot, above the water mark. About it are several Coves, [where] with small Costs may lay up Vessels as [153] in a docke, besides great Ships of any burthen, may all ryde before the town, Land-locked against all winds. There *Rariton River* runs up or rather down 50, (far larger) some say 100 myles, for small boats. I saw several vines upon the point, which produce, as they say, good grapes in their Season; this Countrey is very full of them, but being no present mother of profite few regard them more, than to pick them as they lay in their way when they are rype.

We have store of Clamms esteemed much better than Oysters; on *Festivals* the *Indians* feast with them: there are Shallops, but in no great plentie. Fish we have great store, as our relation sets forth, and they are very good when catcht, (as the proverb is). I have several Bårrels by me now, which are good for our Table and for Sale. I brought a Sea Net over with me, which may turn to good account. Sea Nets are good Merchandise here, mine cost me about 4 or 5 *lib*, and I can have 20 *lib* for it, if I would sell it now; I may write of many such matters in our Province, which may invite persons here, [154] but so am resolved to conclude, knowing that in probability, there is not an Industrious man, but by God's blessing may not only have a comfortable, but plentiful supplie of all things necessary for this life; with the saluation of my true affection to all, &c. I rest thy affectionate friend,

THO. RUDYARD.

A Letter from *Samuel Groome, Surveyour General in East New Jersey*, dated at *East Jersey*, the 11th of August, 1683.

Friends and fellow proprietors:

Since my last I have now sounded the Channell from *Amboy* to *Sandy Hook*, and find it to be a broad and bold Channell, in no place less than three fathom at high water, in ordinary tydes 4, 5, or 6 fathom except in one short place. *Rariton River* is a good River, and hath a good tyde of flood overpowering the freshes about 30 miles above *Amboy*: after its flood, the tyde hath no force against the Freshes which comes out of several branches of *Rariton*, and joyns in one 40 or 50 myles above *Amboy*.

[155] I have spent considerable time in making discovery. I have not as yet had times to lay out much land for you, only about 17 or 18 thousand Acres in one tract, good upland near *Elizabeth Town*. I have now seen the tract of Land against (or nigh) *Amboy Point* formerly laid out by *Vanquillian*, it is on the West-side of a Creek called *Chingerora*, about eight thousand acres, And I intend shortly to lay as much or twice as much more to it; but first we must talk with the *Natives* about that, and other tracts of Land they are not yet paid for. The last day of this moneth is appointed to treat with several *Indians*, to buy several good tracts nigh the head of *Rariton*.

The tenth of the next Moneth is also appointed to treat with other *Indians*, to buy other tracts of choice Meadowing and Vpland, that lyeth about 12 or thirteen myles up into the Countrey, which I have seen; and when we have accomplished these two things, we shall be able to lay out for you much land, and when I have been up in the Countrey towards and at *Barnagate*, and agreed with the *Indians* thereabout for such land as we may see occasion to purchase (presently) in order to a settlement [156] there: for here are many both of *New England*, *New York*, and some parts of this Province, stand ready to sit down in that part of the Countrey; not only for the sake of the good Vpland and Meadows, which report saith is much thereabouts, but also for the sake of the *Whale Trade*, and other fishing trade, which is like to be there shortly. *New England men*, and others were a tampering with the *Indians* to have purchased there, before and since we came; but now there are out of hopes coming in

at that door; so now they make their Addresses to us, and would have us to purchase and let them come in our Tennents; [or] other-ways as we may agree: I intend to attempt these things this fall I have not been much on the South side of *Rariton*, only upon some upland at severall places, and upon the tract of 8 thousand 3 hundred and 20 acres of yours aforementioned; and also on the *Meadowing* that lyes on the South side of *Rariton* above *Amboy*, a year or two since purchased of the *Indians*, in the name of *Dame Cartwright*, though it was never intended for her, nor for any Proprietor: but as it fell out they quarrelled about disposing and sharing thereof, so it is now without controversie yours. Now know that *Rariton* river is [157] accommodated on both sides with salt and fresh meadows: salt as far as the salt sea water flows, or predominats; and fresh above, as the river of *Thames*. We have above 3000 Acres of meadowing butting on the river; I hope it will never hurt *Amboy* town: Besides, report saith, that the upland next adjoining the meadowing, beginning over against *Amboy*, and so up 10 or 12 myles to a River that strikes out of *Rariton* South, and is called *South River*, is but mean land.

It may be well, if you would agree to take each one a 24th part of Lands as we may lay them out, whether it be more or less, or else take 500 Acres Lots, and let these Lots be cast when 24 times 500 Acres is laid out; & where we can make greater Lots we may. We have now got up three houses at *Amboy*, and three more ready to be set up, but workmen are scarce, and many of them base: the best will work but when they can spare time out of their plantations; (if no help comes, it will be long a're *Amboy* be built, as *London* is.) Housing will bring a Trade to that place, the *Indians* come thither to get Fish, Fowl, Oysters, Clams, Mussels &c. (as people go to mercat for things they want) and these [158] *Indians* bring at Seasons, great quantities of skins down *Rariton*, so by *Amboy* and to *New York*, where they have a continual supplie of things they want.

Well here is a brave Countrey, the ground very fruitfull, and wonderfully inclinable to *English grass*, as *Clover*, &c. It Predominats over the more wild grasse: very little barren, much dry upland, and good meadow, some phenny, swampy land and small running brooks and rivers throughout all the parts of the Countrey I have been, and this phenny and swampy Land bears great burdens of grass: in short, the land is four times better than I expected. We must needs be out of some money at present to purchase lands of the *Indians*, but

that will soon be got in with profit as people come to Inhabite and take up Land, and pay as always they have done, their part of purchase from the Indians. Here is great talk of the braveries of the place and land, *Barnagate* I intend to see shortly, after the season is fitting to go by land and water to it; I intend to go by water in a Sloop to see how convenient its by water, and from thence come by Land, so then I shall tell you more. Ye must expect to be at charges for doing these and such other [159] things. I purpose shortly to write to, and demand in all places of the Quit rents and Arriers. They generally say they will pay. Capt. Berrie is two or three hundred pounds behind in arriers, as is said; because his case differs from others a little, I'll (God permitting) begin with him first of all about his rent &c. and either have rent or land. What you write concerning building and repairing shall be observed. I wish I were freely rid of all the goods I have of yours, and my own, at 28 *per cent.* excepting such as are for the Indian Trade. These parts of America are commodated with English goods; Nevertheless when I pay Workmen and Labourers, I pay them goods rated *cent per cent.* *New York* money, but then I must pay them 2 or 3 silver; and part paction which I procure with goods as well as I can.

The houses at *Amboy* are 30 foot long, and 16 foot wide, 10 foot betwixt joynt and joynt a double Chimney made with Timber and clay, as the manner of this Countrey is to build, [and] will [stand] in about 50 *lib* a house, this pay procured here for 25 in goods the first cost, I shall make you no return this year, seeing we are about purchasing and surveying all which will run [150] out money in this place where men are so scarce to be had. On such accounts, I must, as well as I can, turn your goods into money, provision and goods for *Indians*. I have laid out *Amboy* into 150 Lots and have sent home a draught of it.

Yours, S. G.

ABSTRACT of a letter from Gawen Lawrie *Deputy Governour of East Jersey to the Proprietors at London, dated from Elizabeth Town the 2d of March, 1684.*

I took up several dayes with Countreymen, and others to view the Ground and Water, at last I pitched upon a place, where a Ship of 300 Tun may ride safely within a plank length of the Shoar, at low water, and joyning thereto is a peece of marsh ground, about 12 pearch broad and 20 pearch long, and high land on each side like our keyes by *London Bridge*: this may be easie cut quite round, for small Vessels to come to the Key, and lie safe. Round this Island, I set out Lotts 1 acre a peece [161] viz. 4 pole at the Key, and 40 pole backward; from thence along the river near half a mile, I lay'd out the like lotts very pleasant for scituation, where they can see the ships coming in the Baye of *Sandy Hook* for near 20 miles. The Ships may ride along by the Town. as safe as at *London*. Just at the point by the Town, *Rariton-river* runs up the Countrey a great way; there boats of 40 ton may goe, and the River by the Town, goes to *New York, Hudson's River, Long Island, Staten Island*, and so to *New England*: there is no [such] place in all *England*, for Con-
 veniency and pleasant scituation. There are 60 Lotts upon the River, and 40 backward between these and the River; and these backward, have a high way 100 foot broad. where I have laid out a place for a market, with cross Streets from the River to the Market, where the Town houses are to be built. When this was done I laid out 400 acres, to be divided in 48 parts, viz. 36 to each Proprietor; and those who have Lotts in the Town, I grant them half Lotts in this; to pay for the Lotts in the Town 20 pound, or if a half Lott of 36 acres [162] 40 pound. I laid out 400 acres to lye untill the Proprietors agree to divyde it, as people come over. There are 16 Lotts taken up by the *Scottish* Proprietors, and 8 Lotts by the Proprietors that are here. Therè are 20 Lotts taken up in the Town, by other People. I engadge all to build a house of 30 foot long, and 18 foot broad, and 18 foot high to the raising, to be finished within a year; To pry for laying out, 40 shil a Lott, and 4d *per annum* Quit Rent: there are several begun already to build. I have laid out between forty and fifty Acres for the Governours house. The highway and

wharfe between the Hooks [Lots?] and the River are 100 foot broad, and to leave a row of trees along upon the River, before the houses, for shade & shelter exceeding pleasant. I have agreed for two houses of like dimensions, to be built for the Proprietors, and also a house for the Governour of 66 foot long & 18 foot broad; And if the quit rents come in, I intend 3 or four houses more for the Proprietors. I can easily let them. This work took me up 5 weeks: After I had finished this work, I set the people to work, *Scottish* and *English*, about 50 persons, some preparing for building, others on [163] clearing ground to get Corn sowne this spring, then came in a Boat, privately, to *Elizabeth Town* the 12th past; next morning I went to *New York* to visit the Governour; staid there two or three days: He was very kind, and promised a fair correspondency, so I did not publish my Commission until this day before the Council. They have been kind and courteous.

Now is the time to send over people for settling Here. There are 30000 acres of Land in several places, belonging to Proprietors, formerly taken up by Cartwright, so here is land enough. The *Scots*, and *William Dockwra's* people coming now and settling, advance the Province more than it hath been advanced in ten years. Therefore Proprietors send over some Families and Servants: I shall presently set them out Land, and it will presently bring them in considerable profite in a few years. Here wants nothing but people; There is not a poor body in all the Province, nor that wants; Here is abundance of Provision, Pork and Beef, at 2d *per pound*, Fish and Fowl plenty, Oysters I think would serve all *England*, Wheat 4 *shil ster per* [164] *Bushell*, *Indian* wheat 2s 6d *per bushell*; It is exceeding good food every way, and 2 or 300 fold increase: Sider good and plenty, for 1d *per Quart*. Good drink that is made of water and Molasses stands in about 2s *per Barrell*, wholesome, like our 8s Beer in *England*. Good Venison, plenty brought us in at 18d the quarter, Eggs at 3d *per Dozen*, all things very plenty. Land, very good as ever I saw: Wines, Walnuts, Peaches, Strawberries, and many other things plenty in the woods. The Proprietors have 150 or 200 acres, 3 miles from the town upon *Rariton River*, salt Marsh, where I intend to let the people of *Amboy* cut grass for hay, to their cattle in Winter, until we otherwayes order it by Lotts to them, I reckon there is laid out for the Town, Governours house, and publick highwayes, near or about 200 acres, so there rests 1800 acres. I laid

[out] 400 acres, as I said, the rest to lye in common untill divided. I have put two houses in repair upon the River, called the *Point* 2 miles from *Elizabeth Town*; have let one of them, with 10 acres of Pasture ground, and 10 acres of Woody ground, for 7 years at 26 *lib per annum*: the [165] man to clear the ten acres of Woody ground and make it fit for Pleuching [Ploughing?] or Pasture. I intend to let the other also with some land. All the houses were like to drop down, all the land lying without fence, and a barn quite fallen down and destroyed; another without any cover, and that other next to the house where I dwell, all to peeces, and all the fences and out houses were down, but repaired before I came. I am setting up a Ferry Boat at *Perth*, for Men and Horses, to go and come to *Burlingtoun*, *Pensalvania*, and *New York*; Also I am treating with one to set up a house mid way to *Burlingtoun*, to entertain Travellers, and a Ferry Boat to go to *New York*, all which is for promoting *Perth*, that being the center. Also you should give me power to set out a Line, between the Governour of *New York* and us: he calls on me for it, because several Plantations on the River are settled, and we know not yet what side they fall to. I cannot at present mention all particulars, which you must supply by some general clauses or words, for it is not possible for you to understand what is for the good of the Province as I do that am here; and be not sparing to send over people, it will bring you it again, with large profits; for here is a gallant plentifull [166] Countrey, and good land; I have given you a large account for the little time I have been here. I have none to write for me, but must send a Coppy of this to *Scotland*, and with it your further Instructions, to be signed, and sent me forthwith: I will be bound till it come; I rest your friend, *sic sub scribitur*

GAWEN LAWRIE.

A Letter from *Gawen Lawrie* to a friend of his at *London*.

East Jersey March 26 1684

Loving Friend

I promised to write when God brought me to *Jersey* but had not time till now: I shall give thee a breef account of the Countrey, no *fiction*, but the *truth*. It is beyond what I expected, It is scituate in

a good *Aire*, which makes it healthy, and there is great conveniency for traveling from places throw the Province in Boats, from a small Canoe to Vessels of 30, 40, or 50 Tun, and in some places 100. In the Bay coming up to *Amboy* point, where the Town of *Perth* is now in building, a Ship of 300 Tun may easily ride close to the Shoar, within a plank [167] length to the Shoar and the houses of the Town; and yet the land there, nor other in the Province is not low, Swampy Marsh ground, but pretty high ground, rising from the water side: at *Amboy* point the bank of the River is 20 foot, in some places 30, and in some 40 foot high; and yet hath many conveniencies for landing goods.

The soile is generally black, and in some places a foot deep, bearing great burthens of Corn, and Naturally bringeth forth *English grass* 2 years pleuching: the ground is tender, and the ploughing is very easie, the trees grow generally not thick, but some places 10, in some 15, in some 25, or 30 upon an Acre, This I find generally, but in some particular places there are 100 upon an Acre, but that is very rare; The trees are very tall and straight, the generall are Oak, Beech, Walnut: Chestnuts and Acorns lie thick upon the ground for want of eating, Peaches, Vines, Strawberries, and many other sorts of Fruit grow commonly in the Woods. There is likewayes Gum tree, Cedar, White Wood, like our Fir tree; Walnuts Chesnuts and others lye thick upon the ground. There is great plenty of Oysters, Fish, Foul, Pork is 2 pennies the pound, Beef, and Venison 1 penny the pound, a whole fat buck at 5 or 6 [shillings?][168] *Indian Corn* for 2s 6d per *Bvshel*: Oats 20 pennies, and Barley 2 shil per *Bushell*: We have good brick earth, and stone for building at *Amboy* and elsewhere, the Countrie Farme houses are built very cheap, a Carpentar with a man's own servants, builds the house, they have all materials for nothing except Nails; their Chimneys are of stones; they make their own Ploughs and Carts for the most part, only the Iron work is very dear. The poorer sort set up a house of two or three Rooms themselves after this manner, The walls are of cloven Timber, about 8 or 10 inches broad, like planks set on end to the ground, and the other nailed to the raising, which they plaister within: they build a Barn after the same manner, and these cost not above 5 *lib* a peece: and then to work they go, 2 or 3 men in one year will clear 50 acres, in some places 60, and in some more. They sow Corn the first year, and afterwards maintain themselves; and the encrease of Corn, Cows,

Horses, Hogs and Sheep comes to the Landlord. Several Merchants of *New York* have left their several Plantations there, to come to *Eust Jersey*; 2 or 3 joyn together, bring 12, 15 or 20 servants and one Overseer, which cost them nothing for the first year, except some Shoes, [169] Stockings, and Shirts; I have been to see these Plantations; and find they make a great increase by them, maintain their Families at *New York* with all provisions, sell a great deal yearly, and for Servants our *English people* are far better Husbandmen than the *New England men*; the Servants work not so much by a third as they do in *England*, and I think feed much better, for they have Beef, Pork, Bacon, Pudding, Milk, Butter and good Beer; and Cyder for drink. When they are out of their time, they have land for themselves, and generally turn Farmours for themselves. Servants wages are not under 2 shil. a day besides Victuals; and at *Amboy* point 2 shil 6d per day, at *Amboy* we have one setting up to make Malt, but we want a Brewar, I wish thee would send over some to set up a Brew house, and a Bake house to bake Bread and Bisket, for a Bisket-Maker we must have to vend our meat [meal?] to the Plantations. Send over some Husband-Men and Country Fellows that Plough, Sow, Reap, Thresh and look after Cattle: a Carpentar or two, and a Smith for Ploughs and Horses: and a Cowper, which we want very much, If thou wilt send a dozen of Servants, most of them Countrey men: I will set thee out a gallant Plantation of [170] 500 or 1000 acres upon a River side: but thou must send over some goods to stock it with all. I desire thee to encourage some of our Friends, especially the Proprietors, to send over some servants to stock some Land; and when they have cleared it, if they have a mind to lett it, here are tennents to take it, and if they will sell it, here are also purchasers. There is one man since I came here, sold his Plantation for 1500 *lib.* the whole was 1600 or 1800 acres, whereof only 120 acres were cleared, upon which he had a house, Garden and Orchard, and Barn planted; I know several men who lett cleared Land at 6 shil 8 pennies to 10 shil. the Acre yearlie rent, which is a good encouragement for sending over servants to plant. I write not this as idle story, but as things really and truly are. I have sent for servants myself to settle a farme, for if the Proprietors will not do so, I see not what they can expect. The *Scots* have taken a right course. They have sent over many servants, and are likewayes sending more; They have likewayes sent over many poor Families, and

given them a small stock, and these Families, some for 7, some for 10 years, give the half of their increase to the Land-lord, except the milk, which the tennent hath to himself. I have set [171] them out land, and they are at work, I believe they will have 40 acres cleared this Spring; and this Summer I am to sett them out more, so that in a short time they will have a great increase coming in; this will raise the price of the Land here, and is the reason that several from *New York* bounds come to me, to take up Land, for they believe now this Province will be improved: and our Land is better than theirs; so that every Proprietor's sending over 10 people will be a great advantage to himself, encourage others to take up Land, and bring all the division that hath been here to an end, for these men seeing that they shall be ballanced are already more compliant than they were. Now I have layd these things before thee, and desire thee to impart them to some of the Proprietors and other friends that they may consider of the same. I am thy Loving friend, sic subscribitur

GAWEN LAWRIE.

A Letter from *Gawen Lawrie*¹ to the *Scots* Proprietors
of the same date.

Knowing you do expect from us an account of this Countrey, we have for your encouragement, and for the encouragement of all [172] our Countrey Men who may be inclinable to come into this Countrey, given you this breef and true account of it, according as we have seen and are credibly informed, for having seen little yet, save the Winter Season, we must write what is to be seen in Summer upon information which we have just ground to believe to be true, because what we have seen already in it (notwithstanding of all that we heard of it before we came) surpasses our expectation in many things. The Aire in this Countrey is very wholesome, and though it alter suddenly sometimes, being one day hot and another cold, yet people are not so subject to catch cold, or be distempered by it as in our Countrey of *England*; the land lyes for the most part pretty high; but on

¹ This is a manifest error of the compiler from both the signatures and the style.—ED.

the River and Creek sides are many Meadows which lye low, of which the Countrey people gett their Hay, whereby their stocks are maintained in the Winter Season. Provisions here are plentiful and cheap: There is Beef, Pork, Venison, Mutton, Fowl and Fish, [in] abundance to be had at easie rates, and for drink they have good Beer and Cyder, and those that are [173] desirous may have Wine of several sorts, and other kinds of strong Liquor, so that we see little wanting here that a man can desire; and we are here sure that a sober and industrious People make this a rich Countrey, and enrich themselves in it, especially poor people, who are hard put to it to gain bread at home. notwithstanding of the excessive Labour, for we see that people here want nothing, & yet their Labour is very small; they work not so hard by one half as the Husbandmen or Farmours in our Countrey: and many of those who have settled here upwards of sixteen years have lived upon the product of Land They cleared the first two years after they came, (and cleared none since,) which produced not only Corn to maintain their own Families, but to sell every year, and the encrease of their Bestial, whereof they have good store of several Sorts, Cows, Oxen, Horses, Sheep, and Swine, yeelds them other provisions and to sell besides; yet there be some more Industrious among them who have continued clearing and Improving Land, and these have got Estates, and would not [174] sell their Plantations for several hundred pounds. We have been up a little way on the *Rariton* River, but could not go so far as we intended being prevented by Rainy weather: but so as we went was very rich land, and yet that above it is said to be richer; a great deal of it is naturally clear of wood, And what is not so, is easily cleared, the trees being but small and a good distance from one another, so that the Land yet untaken up, so far as we can understand, is easier to clear than which is taken up, the Towns that are already seated, being seated in woodiest places. The Merchants in *New York*, both *Dutch* and *English*, have many of them taken up Land and settled Plantations in this Countrey, and severall from that Collony are desiring to come and take up land among us, though they might have land in their own Collony without paying Quitt rents. The wood here is not so hard to clear as many think, they do not pull it up by the Roots, but [cut] them about a foot or more from the ground and one man may cut down many in a day; four of our men the first day they began, cut down seventy [175] the best trees they could

find, fit for building. There are not many of great Trees, but straight and tall, and there be of many sorts, Oak, Walnut, Chesnut, Cedar, Popler, Gumtrees, Firs, Pines, Birch and Beech. and other sorts which we remember not at present; there are many good Orchards of Fruit trees, and they make abundance of good Cyder, especially at one Town called *Newark* which is esteemed at *New York*, and other places where it is sold, beyond any that comes from *New England*. There are Peaches, and Vines grow wild about the River sides, which in season bear good Fruit and Grapes, and there are Strawberries over all the Woods and many other kinds of goods and Fruits: and at *Amboy* point, and several other places, there is abundance of brave oysters. There will be many houses built there quickly, for many have taken up lots and all that have taken are obliged to build within a year. There is good encouragement for Tradesmen to come over, such as Carpentars, Masons and Bricklayers, for they build not only of Wood, but also of Stone and Brick, yet most [176] of Countrey Houses are built of Wood, only Trees split and set up an end on the Ground, and Coverings to their Houses are mostly Shingles made of Oak, Chesnut and Cedar wood, which makes a very neat Covering, yet there are some Houses covered after the *Dutch* manner with pantikles. The Towns are all settled upon Rivers, where Vessels of 30 or 40 Tuns may come up to their doors, and the out plantations generally upon some Brooks or Rivelets which are as plenty here as in our own Countrey, and curious clear water, and in many places are good Spring wells, but in the Towns every man for the most part has a well digged by his own hand. Among all the towns that are settled here, there is none lyeth so convenient for trade as *New Perth*, for Shippes of great burden may come up close to the houses, and may come up any time in the Winter: There came a Ship of 300 tuns in there this Winter, in the hardest frost we had, and lay hard by the town, so near that she was tyed to a tree. The Land here brings forth most sorts of English grain, and great encrease. Wheat, Rye, Barly, [177] Oats and other sorts of grain, such as *Indian* Corn, which is very good and wholesome kind of Grain, and also Buck Wheat; and those Corns are to be had at easie rates, either rates, either for money or for goods, and those that have not money or goods may have abundance for their work.

We shall now answer, so far as we are capable, your *Queries* sent over to us.

To the first, we cannot positively answer, to give an account of the whole length and breadth of the Province, But we are informed that it is a great deal broader than ye expected, for these that have travelled from the extent of our bounds on Hudson's River, straight over to the *Delaware* River, say it is 100 myles or upwards: we shall know that certainly after a while, for the Line betwixt us and *New York* is to be run straight over to Delaware River, about 3 weeks hence, and after that the Line betwixt us and *West Jersey*; After which we shall be able to give a true account of the bounds of that Province.

[178.] 2ly. When the bounds is so exactly laid out, we can the easier guess at the Number of Acres, and by that time may be able to give an account what number of Acres is already taken up, but there is no fear of want of Land.

3ly. The quantity of Meadow ground we cannot determine, having travelled as yet but little in the Province, but the way we have travelled, there is meadow [in] abundance, both on the water sides and on the up Land.

4ly. There is also other good ground in some places, great quantities free of wood, which is fit either for Corn or Grass, and the ground all over brings forth good English grass naturally after it is ploughed.

5ly. There are also Commons upon the Countrey, but what quantity we cannot tell, there is little kept in them save wild horses, which the people take up when they have occasion. There is also Land fit for pasturage for Sheep, and there are Sheep in the Countrey, but what number the ablest planters have we know not, but some we see have good flocks.

[179] 6ly. An exact Mapp of the Countrey is not yet drawn nor can you quickly expect it, for it will take up a great deale of time, charge and pains to doe it.

7ly. There are also hills up in the Countrey, but how much ground they take up we know not, they are said to be stony and covered with wood, and beyond them is said to be excellent land.

8ly. To the Eight we cannot answer as yet.

9ly. There be People of several sorts of Religion, but few very Zealous. The People being mostly *New England* men, doe mostly incline to their way, and in every Town there is a meeting house where they worship publickly every Week: They have no publick

Law in the Countrey for maintaining public Teachers, but the Towns that have them make way within themselves to maintain them. We know none that hath a settled Preacher that follows no other Employment, save one Town *Newwark*.

10ly. The method of building their houses is already mentioned.

[180] 11ly. There are not many Out Plantations that are not within the bounds of some Town, yet there be some, and these are the richest; what number are there we know not, some have great quantities of Land and abundance cleared.

12ly. The richest Planters have not above 8 or 10 Servants; they will have some of them, 1 Dozen of Cows, yet some 20 or 30; 8 or 10 Oxen, horses more then they know themselves, for they keep breeding Mares, and keep no more horses at home than they have occasion to work. The rest they let run in the wood both Winter and Summer, and take them as they have occasion to use them. Swine they have in great flocks in the wood, and Sheep in flocks also, but they let them not run in the woods for fear of being destroyed by wolves. Their profite arises from the Improvement of their Land, and Increase of their Bestial.

13ly. There will be in most of the Towns already settled at least 100 Houses, but they are not built so regular as the Towns in our Countrey, so that we cannot compare them with any Town we know in Scotland. Every house in the Town hath a Lott of 4 Acres lying to it: so that every one building upon his [181] own Lott makes the town Irregular and scattered. Their Streets are laid out too large, and the Sheep in the Towns are mostly maintained in them: They are so large that they need not trouble to pave them.

14ly. Betwixt *Sandy Hook*, and *Little Egg-harbor* lye 2 Towns *Middletoun* and *Shrewsbury*, There is no Land taken up that way but what is in the bounds of these two Towns; what kind of land it is, we know not, having never travelled that way. *Barnagate* or *Burning Hole* is said to be a very good place for fishing, and there are some desiring to take up land there, who inform us that it is good Land, and abundance of *Meadow* lying to it.

15ly. There are no *Fisher-men* that follow only that trade, save some that salt *Whales* upon the Coasts, and other Fishes; there is abundance to be had every where through the Countrey in all the Rivers, and the People commonly fish with Sives or long nets, and

will catch with a Sive 1, sometimes 2 barrels a day, of good fish, which they salt up mostly for their own use, and to sell to others.

[182] 16ly. There is no Ships belonging to this Province particularly, or built here, save one which *Samuel Groome* built here the last Summer, which stands yet in the Stocks (a stop being put to it by his death). There is conveniency enough to build Shippes. The Shippes in this part trade mostly to the *West Indian Islands*, and some to *Newfound Land*, where the Provisions of this Countrey vends.

17ly. There is land here in several places, after it is cleared and brought into a farm sett out for Rents as in our Countrey, at 5, 8, and 10 shil: *per Acre* According to the goodness and scituation of the said Land; and those that will be at charge to clear land may get tennents to take upon these termes, But whether it will turn to good account or not, because little experienced as yet with the Charge of clearing of Land, I will not positively inform.

18ly. There is several places of the Countrey fit for mills, and several both Corn and Saw mills already sett up. and good encouragement to sett up more.

19ly. The Acres are here reckoned [183] according to the *English Account*: There is 16 foot goes to the Rood, and 20 Rood long and 8 Rood broad, makes an Acre. One English butt of Wheat which is 8 *English Gallons*, or *Scots Quarts* commonly sows an Acre, 2 bushels of Barlay also an acre, and 2 bushells of Oats an Acre, and half Acre; [One] *English* peck which is 4 *English* quarts or *Scots Schopens* of *Indian Corn* plants one Acre.

20ly: There are but few *Indian Natives* in the Countrey. Their strength is inconsiderable, they live in the Woods, and have small towns in some places far up in the Countrey. They plant a little *Indian Corn*, shoot Deer, and other wild Beasts and Fowls for their food. They have *Kings* among themselves to Govern them. For *Religion*, they have none at all, they do not refuse to sell Land at occasion. The prices of Grain and other Provisions here at Present *Indian Corn*, 2s 6d the Bushell; Wheat 4 shill: Oats 1s 8d the Bushell; Beef 1d; Pork 2d; Venison 1d; Mutton 3d the pound; this *English Measure and Weight*. But mark, [184] these things being valued in this Countrey money, there is a fifth part difference betwixt it and Sterling money, So that Wheat being valued here at

4s. the Bushell, is but 3s 3d Sterling, and so of the rest proportionally.

Here you have an account of things so far as we are capable to give you at present, with which we hope you will be satisfied, while further opportunity and better experience give us occasion to write more. And so we rest your Friends and well wishers to all our Countrey Men.

Sic subscribitur

*Elizabeth Town
in East Jersey,
the 29. of the first
Moneth called
March 1684.*

*David Barclay
Arthur Forbes
Gawen Lawrie*

This I have heard read, do also subscribe to the truth there is, and so rests,

G. L.

For the Scots Proprietors of *East Jersey*.

[185] A Letter from *George Mackenzie* Merchant in *Edinburgh*, to Mr. *George Alexander* Advocat there.

Elizabeth Town Sept 1 1684.

Mr Alexander

I doubt not but you expect here a particular account of the province of *New Jersey*, but that I thought needless. The person, *David Barclay*, whom this comes alongst with, being more able to give you that satisfaction, as whose interest oblidgeth him to a more narrow observation of its natural advantages, and whose place being one of the Council, gives a larger liberty and occasion to inspect the concerns of this Province. But in general its a healthfull, pleasant, fruitful Countrey, in many places of a most Luxurious Soyle, rewarding the labour of the Countryman sufficiently; its well watered with many fair and pleasant Rivers and Creeks, stored with several sorts of fish, and most of the Rivulets convenient for mills, whereof there are severall, both for Sawing of wood and grinding of corn. They raise great store of Hogs & Cattle; and fowls they have in abundance. The Countrey for ten or fifteen miles up from the River and

Sea is generally plain, farther up Mountains. Besides the Towns mentioned in the publick paper since Governor *Lawries* arrivall, there is laid out at *Amboy-point* 1000 Acres for the City of *Perth*, divided into 96 Lotts, 9 Acres to a Lott; the Remainder is for the streets, Mercat place, Governours house, and other publick conveniences. How large the Countrey is, is a question hard to [186] resolve, and how much bought by the Proprietors (if any,) *David Barclay* can satisfy you. The Inhabitants are *English*, with a few *Scots*, *French*, and *Dutch*, of sufficient number to defend themselves against any prejudice may be offered them by the Inhabitants. That fancie of a Common Improvement will not take, but whoever expects profite from their Interests here, must Improve them a part. I have sold some of your Gloves at 2 shil and 6 pen : 3 shil and 4 pen : a pair; being what I could gett for them: the money five and a half parts less than English, and shall make an account thereof at meeting.

Present my service to all Friends.

I am Your very humble Servant
Sic Scribitur *George Mackenzie*.

A Double of a Letter from *New Perth*, dated the 1 of the seventh *Moneth*, 1684. From *John Reid*, who was Gardner to the *Lord Advocat*, to a Friend at *Edinburgh*.

Seeing it hath pleased *God* to bring me and mine safe unto this part, I took upon myself as oblidge to write something according to my promise of this countrey : indeed I must say it is a brave place, but I have not had time to take such observations as I would, being so ingadged to attend my other businesse. Here is no outward want, especially of provisions, and if people were industrious they might have cloaths also within themselves; by the report of all, its the best of all the *Neighbouring Collonies*, it is very wholesome, pleasant, and a ferrtill land: [187] there are also some barren land, viz white Sandy land, full of Pine trees, it lyes betwixt *South River* and *Barn-gate* or *Neversink*, (albeit there be also much good land in that precinct,) yet its a good place for raising a stock of cattle, providing

they have large room to run in, for cattle finds good food there in winter, when none is in the best land, and therefore do the inhabitants provide little hay in winter. The soyl of the countrey is generally a *red marle earth* with a surface of black mould (nor doth it appear that really it is to their eyes who cannot penetrat beyond the surface) full fraughted with grass, pleasant hearbs, and flowers, and in many places little or no wood, but most places full of large timber, as walnut, especially oak; there be some some places here and there in the Woods, they call swamps, which is low Ground amidst or betwixt rising ground full of bushes, which holds water in winter, the most of them be dry in Summer, but these being cleared, and some of them that needs being drained, are the richest land. Here are great conveniences of Bay, Sounds, Rivers, Creeks, Brooks, and Springs, all over the Province, but one of the best things is the large quantities of brave Meadows, both salt and fresh, which makes the people here able to supply their Neighbours as they doe, throw the abundance of their cattle. I know one Planter who hath a hundred of cattle, not above 3 years settled; and no wonder for some of the grasse is as high as my head. Its a pity to see so much good land as I have been over in this province lying wast, and greater pity to see so much good and convenient land taken, and not improven.

As soon as any of the land here comes to be cultivated, it overruns with small Clover-grass, by the [188] pasturage and dunging of cattle, and so supplants the naturall grass and hearbs, notwithstanding of their quick and strong growth. Fruit trees also prosper well here. *Newark* made about a thousand barrells of Sider last year, (a barrell is 8 *Scots gallons*) this is like that of *Woodbridge*, who made 500 barrells of pork in one year, before the law was made against the Swines trespassing.

Here they sow most *Indian corn*, and Wheat; some Rye, Barly, Oats: *Indian corn* the first year that they break up or plough, the second they sow Wheat, because the spontaneous growth of the weeds is done away by howing the *Indian corn* as we do cabbage: here is one planter makes accompt, *That he hath about three thousand bushels of wheat reapt this year*: I suppose he hath above a hundred acres of it, but I doe not make these instances as so many precedents.

I know nothing wanting here, except that good Tradesmen, and good Husbandmen, and Labourers are scarce: a Labourer may have

a bushell of Corn *per day*, when he is a little acquainted with the work of the Countrey, but Tradesmen much more. Smiths, Carpenters, Masons, Weavers, Taylors, Shoemakers, are very acceptable: any who comes let them bring some cloaths, and their proper tools with them, as used in *England*, and provide butter, bisket, wine, and especially beer and ale, for their Sea voyage, besides the ships allowance; and they need not fear when they come here, albeit they have no more, yet they will be better if they have something either in money or *Scots* linnin and stuffs to buy a little provision at first, to set them up a house and buy a cow or two; and tho a man be rich, I would not advise him to bring many servants, at least not to keep many at first, untill he see about him and know what he is doing.

[189] I cannot tell what goods are best to bring, *David Barclay* can tell better; But he who brings money may expect 15d for the *English* shil.: some may bring a Little of the best Wheat for a change of seed, and some barley, and Oats, for the same use: also a Little *Scots* field peas, there being none such here; bring also some great clover seed.

There are a great store of Garding hearbs here, I have not had time to inquire unto them all; neither to send some of the many pleasant (tho to me unknown) plants of this Countrey, to *James Southerland* Physick Gardener at Edinburgh, but tell him, I will not forget him, when opportunities offer.

I had forgot to write of *Ambo*, or *New Pearth*, therefore I add, that it is one of the best places in *America*, by the report of all Travellers. for a town of trade; for my part, I never saw any so conveniently seated: this with my love, and my Wifes to all friends, and acquaintances,

I Rest thy friend

JOHN REID.

David Mudie's Letter to his Wife.

New Perth, the 12 December, 1684.

MY HEART.

I hope this shall find you and your children in Good-health, and I wish in as much satisfaction as I and our Children are here: far

beyond my expectation and others, my well wishers, who are [190] with you. My last to you was upon my arrival here, dated the 8th of *November*, and at that time I could give you but a small account of my Judgement anent it, it would take a great deale of time to inform you of every thing, as it trulie is: But to be short, I have travelled through a part of it, and it is far larger than ever I heard it reported in *Scotland*, I dare say above a third more ground, and there is abundance of brave Rivers through it all, better than ever I did see in any place, brave Meadows amongst all the River sides, and lands above the Meadow ground; abundance of Fresh water Brooks, and Springs, plenty of Fishes in all the Rivers, in the Summer time, and that very good Fishes such as they preserve for Victual in the Winter, and in very few days they use to take more than they make use of in Winter; as for wild Meat there is of all sorts. *Cows*, *Sheep*, and *Oxen* as large as in *England*, and abundantly cheap, considering their goodness. Corns and all Sorts of Fruit in great abundance, and no less than they are called in *Scotland*. Money within this three years is become very plentiful, Servants dear and scarce. I have taken up Six Acres of Land in *New Perth* which pleases me exceeding well, in regard it is good Land, and fit for building of a City, and Persons of Good Fortune are come from *New York*, and other places in the Countrey, and are very busy building: and I am begun to build a house, and have near digged the ground, which is very hard, it being, under a great part of it, Oker, which is hard to digg, and the least deepness is eight foot. I have my two Wrights Squarings of Timber for it, and I resolve to have it a good Handsome House, six Rooms off a floor with a Study, two stories high, above the Sellers, and the Garret above; And I doubt not [191] if the Frost bide away, but I shall have the Sellers finished, and the gests laid above it, against the latter end of of this moneth. For the Land that lyes to the honse, I resolve to fence in two Acres of it for an Orchard, and an Yard, and to have that done before the middle of *February*, and to have it planted with fruit trees; for I find a man in three years will have more Fruit in such an Orchard than he knows how to make use of.

And about the middle of *February* according as the Weather is, I resolve to go out where I have taken up my Land, which is upon a River called the *South River*, which is an exceeding pleasant River,

and place ; there goes onely with me there *Mr. David Violent*. I can go from *New Perth* to it in a Boat, in two houres and a half, let the wind blow as it will, and come back again in as much time. I wish I had as many Servants here as I could make use of ; Any man that is frugal, and hath 300 lib. Sterling in Stock, to come over here, and bring over 7 or 8 good Servants with him, I could assure him in 3 years time he should make a stock better than 1000, if not 1500 lib. if he bestow his money right in *Scotland*, and take advice to bring all things here which is necessary for him to have in this Countrey. I am uncertain of the time I will be at Home, but I resolve you shall come over with me again, and ye will both think and say, when ye see the Countrey, that ye wish it had been done twenty years agoe. I thought it not fit to trouble my relations, since I could not write [but] short Letters to them, but any of them that desires to know the condition of this Countrey, ye may shew them this Letter, since there is no secret in it: you will find by *William Burnet's* Letter, that he desires some of his Sons to come over, and *John Geddis* [192] writes for some of his Brethren ; the which Letters cause [to be] delivered them carefully, and get an answer, that if they be to come over, ye may speak for their passage timely. He tells some of them are good Wrights :—which is all at present, but keep a good heart to yourself, and take care of your Children, and I hope to see you with more Comfort than we parted, and I am your ever loving Husband while I breathe.

David Mudie.

James Johnston of *Spotswood's* Letter to his Brother,
John Johnston Drougest in *Edinburgh*.

East Jersey the 12th of December 1684.

LOVING BROTHER.

I have taken up a part of my Land 9 miles from *Amboy*, and 4 miles from *Piscataway*, and as far from the nearest part of *Rariton*, on a Brook side, where there are exceeding great plains without any Timber, there is excellent Gunning for Deer and Turkies, of which there is great plenty, and easily shot. But I resolve to see

a place called *Barnagate* which is 60 or 70 miles from this, on the Southermost part of the Province, where there is a good River and Harbour, the best Fishing and Gunning in any place in *America* 30 or 40 miles from any Plantation. The Indians here are nothing to be feared, the Place being as peaceable as any where else. I had occasion to travel through *Long Island* and *Statten Island*, and for many miles found as many towns and plantations in the way as in any so much Land in *Lothean*; there are no Bears [193] nor Ravinous Beasts but Wolves, which are nothing to be feared, neither are the Countrey People afraid to be among them all night, in so much as I oft times going wrong, and lying out all night, and hearing their yells about me, and telling that I was afraid of them, the Countrey People laught at it; neither are the Snakes any thing to be noticed, for nothing can come near them, but they give warning with the rattling of their tail, so that People may either kill them or go by them as they please.

Oxen are so well taught that they go sometimes in a Plough, or Cart, without Horse, or without a Gade-man; Horses and Cattel are as cheap as in *Scotland*, considering their goodness and the difference of the Money. All sorts of *Scots* goods sell well here, ye will be advised with the next Occasion, what goods sell best in this place. I have great reason to thank God, that I am in a place which abundantly answers any thing I expected; The Air is healthful, and the Soil fruitful; the *Indian* Corn yeelds commonly 2 or 3 hundred fold, Oats 20 fold as I am informed; the *Indian* Corn is an excellent grain, I have eat it and like it very well in Pottage and Bread. There are several reasonable good towns in this Province, most of them hath more than eighty Families; there are no poor persons here, but all are half idle in respect of what they work with you.

Flax, twice heckled, sold at 9d *per pound*; Wool is very cheap, only work is dear. The Liquor we most use is Sider; we have great store of Fruit. In many places untaken up there are many plains and not a tree. I have never since last parting had any sickness to keep me from one Dyet, for which I render thanks to God. The *Indians* here make it their trade to kill Venison, and sell it to us; for a small matter, I will have my Family served with [194] Flesh all Winter: one of their *Sachiams* (which is their King) came to the Governour when I came first here, desiring he might be suffered to trade with

us, and not be beat out of our houses when they were drunk, but only that we might bind them, and permit them to cut timber, and some such things. At *New Perth*, we have a good Stationers Shop of Books. The land is no where difficult to clear, albeit the trees be 100 foot long, and 3 or 4 foot over. I would heartily wish and perswade any to come over that intends to live well, plentifully and pleasantly; Neither is there any Tradesman or Servant that could come wrong to this place, and I could wish my best friends no better but [to be] in the same place with me. The old Inhabitants are a most careless and infrugall People, their profession are most part *Protestants*, few *Quakers*, some *Anabaptists*, it is most desired there may be some Ministers sent us over, they would have considerable Benefices and good Estates; and since it would be a matter of great Piety, I hope ye will be instrumentall to advise some over to us; the place is abundantly healthfull, as any else. There is a great difference betwixt the people here, who are Strong and Vigorous, and the people more Southerly in Mariland. We have great store of Venison which is sometimes as fat as Pork, one good Buck is sold at 5 *shil.* and by the *Indians* at 2 *shil.* Oats are sold at 18 *pence* the Bushell. All sorts of Fish is here exceeding plentifull, the poorest Persons eat no meat that is Salt, except Pork; in Summer they live much on Milk. I would no more value the Sea coming through if I had occasion, than ye would riding of 20 Miles; let me be remembered to all friends, to *Patrick Fortune* who most carefully dissuaded me from this Voyage. which I doe not repent, but would [195] as carefully perswade others, who study their own good. What I most earnestly desire of you, for the encouragement of this Plantation, is, [that] you would be Instrumental to send us over some Ministers, who I dare engage shall afterwards ever be thankfull, and I oblidge to be, your ever affectionate Brother.

James Johnston.

Amboy: or New Perth in America, 9 of November, 1684.

Dear Brother.

Having accidentally met with the Bearer, had not time to give you any particular accompt of this Countrey, only assure you, that

it is beyond (not only) all our expectations, but all that ever you have heard spoken of it, we (praised be God) all of us arrived safely without the loss of any one Passenger; scarcely any of them was ever sick, only we had much trouble coming from *Mariland* by land, our Skipper having for his own advantage put in first at the *Capes of Virginia*: but we have had a brave Prospect of the Countrey, and all the way, as well as in this place where now we are, we found plenty of Corn, and all kinds of Fruit, with Fish, Venison and wild Fowls, in such abundance, that a Deer may be had for 2 *shilling* Countrey money, and Turkies for 6 *pence*, which will be at least as big as any 2 Turkies in *Scotland*, and are really Turkies, only blacker than tame Turkies that you have seen. I shall give you full satisfaction with the next [196] occasion, pray you fail not to write to me when you meet with any, otherwayes you disoblidge him who is ever yours,

D. Mc'Gregor.

Written to his Brother *Munivard* in *Scotland*.

Patrick Falconer's Letter to Maurice Trent.

Elizabeth Town in East Jersey,
the 28th of October, 1674.

Sir

My last was dated the 22, Current, from *Philadelphia*, at which time I could give you but a small account of the Countrey; and as yet its but a small account I can give by reason that I have had but a little time here as yet; I have travelled on Foot more than a 100 miles in *East* and *West Jersey*, and *Pensilvania*. I have also travelled in *Maryland*, I cannot but say it is a good Countrey, but its possessed with a Debauched, Idle, Lasy People, all that they Labour for is only as much Bread as serves them for one Season, and as much Tobacco as may furnish them with Cloaths. I believe it is the worst improved Countrey in the world, for the *Indian wheat* is that they trust to, and if that fail them they may expect to starve. I find *Pensilvania* and the two *Jerseys* are the places which set themselves out most for Planting of Corn; as for the *Jerseys* I need not insist in commending

of them, for *David Barclay* and *Arthur Forbes*, who had a longer stay here than I have had, will give you a more full account; for I intend to write no more than I [197] am able to make good, I may say, that it is a pleasant Countrey, I did never see more pleasant Meadows, and Grass, than I have seen in both the *Jersies*; I have seen plains of good Hay consisting of about 50 Acres of ground, hardly one Tree to be seen upon the whole spot: And there are several places so. I can say its a well watered Countrey, and good waters, and if they were desirous, they might have a very good Quarrie here for Stone of any sort, and Limestone likewise; but so long as Timber is so plenty, they will not be at the pains to seek after Stone; there are some houses in the Countrey built with stone, but very few. Having fallen in here, the end of the year, I cannot be capable to give an account what may the product of the Countrey; but I hear that all sorts of Grain hath very good Increase, I see the Countrey abounds with Apples; Quinches, Peaches, Walnuts and Chesnuts, and Strawberries in great abundance, wild Wine-Grapes are plentiful, wild-Fowl of all sorts, a great number of Deer, Turkie-Fowls wild, in great abundance and very big: I have seen these things in great plenty. I hope ye will excuse me because I am not capable to give ampler account of the Countrey, for I have not been two days in one place; I will tell you this is a good Countrey for men who resolve to be Laborious; any who comes here they must resolve to work hard for the first two or three years, till they get a little Ground cleared, for this must be looked on as a wood-Countrey. tho I must confess the woods are not so thick as people expects; and there are several places in the Countrey where there is little or no Wood. People are generally curious to have their Land near Navigable Rivers, but when they are better [198] acquaint, they will find that the farther back the better is the Land. There are abundance of Fish and Oysters here. This is not a Countrey for idle people, but such as will be at pains they need not doubt but to get bread here in plenty,—so I wish it be the Lords will that we may have a happy meeting again, his will be done; I wish you may be protected by the Lord; this from

Your affectionate Friend and humble Servant,
Patrick Falconer.

Abstract of a Letter writ by *Peter Watson*, (who went over a
 Servant with *David Barclay*, in the year 1683,)
 to *John Watson*, Messenger
 in *Selkirk*.

New Perth, the 20th of August, 1684.

Cusing

I Could never write to you before now, because I was never rightly settled, and am not yet fully settled, but I am from among the rest of the Servants. One *James Reid* and I and our Families are together, set out to a Farm at *Amboy*; we are to have some Land laid out to us, and we are Stocked with two *Mares*, four *Cowes*, two *Sows*, two *Oxen*: my Wife and I and the Child *Richard* are very well in health, and have been so ever since we came out of Scotland. Now as for this Countrey, it is a very good Countrey; indeed poor men such as myself, may live better here then in Scotland if they will but work, a man can have Corn and Cattle or any other Goods for his work, and he can sell these goods to some hands for money, it is not for a man that hath a Familie to come bound four years, but young men, who [199] have no trouble, they will do better to come and serve four years here than to serve in *Scotland*, for they are not so hard wrought as in *Scotland*, and when the four years are out, they can gain abundance to work to other men; or if they desire to settle upon Land of their own, they can have it reasonably Cheap; the hardest work that is here, is clearing of the Ground, and felling of Trees, and the like; the first year is the worst, till they be accustomed with the work of the Countrey. My Neighbour and I did clear from the middle of *February* till the midst of *May*, five Acres of Land and have it planted with Indian Corn, and Indian Beans, and Tobacco for our own smoaking, a man who lives here needs go no where to buy any things, here he can have Corn and Cattle and every thing that is necessary for mans use, if he be Industrious; only the thing that is dearest here is Cloathing, for there are but few Sheep to this Countrey; but there are store of all other Beasts, such as Horses and Cows, and Hoggs; there is here good Fishing, good hunting of Deer, and other kind of wild Beasts: The Countrey is very healthie as I have yet seen, it is cold in the Winter like unto *Scotland*; But fra once the Summer breaks up, it is hotter than it is in

Scotland. There are here very good Religious People, they go under the name of *Independants* but are most like to the *Presbyterians*, only they will not receive every one to their Society; we have great need of good and Faithful Ministers, And I wish to God, that there would come some over here; they can live as well, and have as much as in Scotland, and more than many get: we have none within all the Province of *East-Jersey*, except one who is Preacher in *Newark*: there were one or two Preachers more in [200] the Province, but they are dead, and now the people they meet together every Sabbath day, and Read and Pray, and sing Psalms in their Meeting-houses. This Countrey is very well settled with People, most part of the first Settlers came out of *New England*, very kind and loving people, kinder than in *Scotland* or *England*; And for the *Indian Natives*, they are not troublesome any way to any of us, if we do them no harm, but are a very kind and loving people; the men do nothing but hunt, and the women they plant Corn, and work at home: they come and trade among the Christians with Skins of Venison, or Corn, or Pork, And in the summer time, they and their Wives come down the Rivers in their Cannoes, which they make themselves of a piece of a great tree, like a little Boat, and there they Fish and take Oysters. This Countrey is a very pleasant Countrey, with Rivers and Creeks to fish in; only it is full of Wood, such as Oak and Walnut tree, Chesnut, Poplar, and Cedar. The only thing we want here is good People, I wish that all the poor Friends I or my Wife hath were here: As for my Brother, if ye have a mind to come Brother, if you have but as much in the world as would transport you hither and your Family, I would desire you earnestly to come and, bring my Sister with you; if you have as much as will transport you sell all and come, tho you had not a penny after your passage were payed, you need not fear if you have a mind to work. I was as little brought up with work as any man, yet blessed be God, I can work now as my Neighbours, and live very contentedly with my Wife, better than ever we did in *Scotland*: shew my Mother in Law that my Wife and I would be very well pleased if she would [201] come over, there are as old Women as she comes here out of old *England*: there was one came alongst with us older than she: if she will come she shall live with her Daughter and me, as easie, and as well as ever she did live in *Scotland*, and I do know that was well enough. My Wife and I are

well at present, as you could wish, God be blessed ; I can say no more, but my love to my Brother, and his wife, and all Friends.

I rest your loving Cusin

Peter Watson.

• *A Letter writ by John Campbell to John Dobie.*

New Perth 8th of November 1684.

B. *John*

I Wrote a line from *Philadelphia* to you, as we were coming hither, your Cusin *James Dobie* the bearer is in such haste, that I cannot write what I would say ; but in short, we are come here to a good wholesome Countrey, in which with little industrie a man may have a comfortable life. There is good Wheat and Oats growing here, and *Indian Corn* which our Servants like very well ; There is Fish and Fowl [in] abundance, and of cows and Horses ; they labour with Horse and Oxen. There is Deer through all the Countrey, and Turkies which some of our Servants have killed a part of already There is Pertrages and Quails very rife, that my wife yesterday morning saw about 20 of them walking before the door like Chickens. I shall say no more till I see farther, for I am [202] with others going to the Countrey on Munday to see for the Countrey lotts : for I have taken up the Towns already, and cut down the trees of two Acres of ground with six men in three days. My service to all Friends. I am,

Your most assured Friend,

John Campbell.

A letter from Thomas Fullerton, Brother to the Laird of Kinnaber to his Brother in Law Doctor Gordon in Montrose

Elizabeth Town 4 January 1685.

Dear Brother

By my last about a Moneth since, I dated from *Amboy*, you understand that we came to *Sandy Hook* 18 weeks after we sailed from *Montrose*, we were 9 weeks at Sea from *Killebeg* in *Ireland*, we had many cross winds, what other accidents we met with by the way

were worth the telling, but not the writing: blessed be *God* we all kept our healths very well, only one Boy fell overboard. What you expect, and I design by this, is a brief, but true accompt of the Countrey. The first land we discovered was about the midle of *Long Island*, it appeared at first like trees, growing out of the *Sea*. Towards night we Anchored in *Sandy Hooke*. The land is low and levell, that is the reason we were within 8 or 10 mile thereof, before we saw it; the countrey appears all over Woodie. I landed on a sandy-bank and close by the flood marsh where grew *Bayes*, *sassafras*, and severall prettie shrubs I knew not: The Woods consist of severall kinds of Oaks, Chesnut, Hickory, Walnut, Poplar, and Beetch; Cedars grow on swamps and barrens, Firrs and Pines only on barrens. The ground generally 2 or 3 inches [203] deep of black dung as it were, below that is reddish mould. What you heard of the product of the *Indian Corn*, viz. 100 or 200 fold; of 20 or 30 fold *English wheat*, of the abundance of deers and wild horses and severall turkeys, and of the great plenty of fishes, are all true. There is very much Cider here; In 13 or 14 years you may make 100 barrells from your own planting: the best fleshes of all kinds ever I did see are here, tho this in respect of what you have heard, be generally tautologie; yet I found myself oblidged to write it, because I am witness to the truth thereof, without *Hyperbole*.

Notwithstanding of all this, its very troublesome [and] expensive to settle a plantation here, and when it is done, I cannot promise you a man will grow very rich; but he needs want nothing, and it is not every one will agree with the solitude of the Woods: those who can, and resolve to lead a countrey life, cannot doe better than come hither. A merchant who will come over and set up store in the countrey for a year, will make *cent per cent* of several commodities, with which I doe allow none to be acquainted but commerads. I wish I had some money of my stock so employed, and sent safely here *Johnstoun* of *Spotswood*, and I have taken up, upon a river 6 or 8 miles [from] *Amboy*; your Brother *Thomas* and *Robert* are here also. Servants are not easily entertained here. I designed to have shot as many *Squirles* as would have furred a coat for you, but I am otherwise taken up. I have omitted to tell you that the weather here is constantly clear, the sun rises and setts free of clouds. I have observed none to have the cough in this country, tho' I have frequently

lyne in the woods, abundance of fire is an excellent counter charm. Now brother as to your own coming over, [204] it will be time to invite you when I have a good house, and intertainment to treat you with unbought; for you must not feel any of the inconveniencies I have met with; we are all well, I pray *God* this may find you [so] also: present my service to all friends *Male* or *Female*, this letter will serve that; present my service to my *Grand Mother*; upon *Christmass* I drank her good health in *Rhumb Madera*, and *Fial Wine*. If I can be frugall, I may be soon rich here;—by my next I hope to ensure 60, or 70, lib. to the parson, for we want a minister, this from

Your *Affectionate Brother*

Tho: Fullerton.

A letter from the same hand to the Laird of *Brothertoun* in the *Mairns* of the same date.

Kind Commerad.

You were pleased so keenly to concern yourself with my welfare when I was by you, (and I find that absence augments true friendship,) that I am obliged to acquaint you with my present fortune, which I hope shall be far better than what I could expect by so much stock in *Scotland*. This place is not altogether boorish, for at *New York* you may have railing and Gallanting enough, the inhabitants are generally great spenders. Dear *Brothertoun* write to me, and give me an accompt of affairs, for I assure you, neither Governour nor Council will medle with yours to me, nor mine to you: by my next I will write to *Clunie* and *John Johnstoun*: in the mean time present my service to them. I am in haste to end writing, tho ever being

Your Oblidged Commerad and humble Servant,

Tho: Fullerton.

[205] Abstract of a Letter from *Robert Hardie Merchant* in Aberdeen, to his Son *John Hardie Merchant* there, dated from *Elizabeth Town*, the 8 of *December* 1684.

Loving Son

I have writ two letters already to you of our arrival, another, shewing the death of your Brother *William*, and something of the countrey, but knowe not if they be come to your hands; and now, having this occasion, know that I am in good health, and your Brother *Alexander*, praised be God. Know that I intend to reside here, and should wish that I had all my children with me, but your conveniencie cannot permit, neither am I able to transport them as yet; however I desire you to acquaint your sister *Elspeth*, that I desire her to come over if possible, with her first conveniencie. I intend before her coming to have a new house in *New Perth*, and a Plantation near by it; if I had gott a good accompt of that Little charge I sent over, I would have lived upon it here, as well as upon 100 *lib. Sterling* in *Scotland*; But I have got a bad accompt of it: however, I hope to provide for you all with what is left, if the *Lord* bless. Shew my brother and brothers in law, that if they would come over with each of them two Servants, they could have good Land here, at an easie rate, they might live better than there masters, and with less trouble, if they took but half the pains they take in *Scotland*; for the Land is a brow and plentiful Land. Shew *Andrew* and *David Hardie* that if they can but pay their Passage and come to me, I shall make them to live in better condition than ever formerly. I doubt not but some of our neighbours will come over, to bring [206] Servants here, who will give you a true accompt how I and others can live here: believe me this is a brave Land, and any who will be Industrious, may live very comfortably here. He who comes first will have the best choise, and most profitable, as for idle-men who will neither work nor trade, [they] need never come here, for there are none idle here. I wish you all a blessing from God, and so rests

Your affectionate father

ROBERT HARDIE.

A letter from *James Johnston* of *Spotswood*, dated the 13 of February 1685, from *Piscataway* in *East Jersey*.

Dear Brother, These are to remember my kindest affection to you, my Mother, and all friends; we have kept our healths hitherto exceeding well; Have endured a short but very severe winter, now the Weather hath been for some time by-gone exceeding good, was a *Bear-seed* season with you. I have been throw several or most places of this Countrey of late, But am not yet resolved where my first Husbandry shall be: the Land is exceeding good which is yet to take up, much better than what is inhabited, only not so convenient; the difficulty of clearing away places is no wayes considerable; I find land where Several hundred Plughes may be presently set a work. I take all pains I can to be conveniently settled, and the Governour refuses us nothing we desire. I stand in need of 40 pound value of goods, and some [207] Servants; hoping to have Corn for them, and others who come over: I could wish your self were here, we could live competently and quietly; but I doubt how affairs may permit. I wish any Land I had were sold that you might be furthered; present my love and service to my *Mother* and Sister, whom I hope to see here; I wish you would send over some Ministers, one or more, to us I am,

Your affectionat and ever, mindfull Brother,

James Johnston.

Now, Sir, does not the perusal of their Letters, oblige you to believe there is no deceit in the above written description of the place, seeing you find the same Homologat by so many different persons: The *Holograph* of most of them have been perused by many persons in this City, and are to be seen by any inquisitive thereanent at *Captain Hamilton's* Lodging at the Sign of the Ship, for their more satisfaction of the truth thereof.

But tho you appear to be convinced that *East Jersey* is in itself a very desirable place, and consequently upon several considerations a very proper seat [208] for a Collony this year, yet I have ground to

conjecture, from some tacit hints and insinuations in yours, that because *West Jersey, Pensilvania*, and, in a special manner, *Carolina*, are more southerly, therefore there is some ground to believe they may have the advantage of the Soyl. Seeing you oblige me to tell you freely my opinion in this affair, I will be plain with you; the two first lying, the one upon the one side of the River of *Delawar*, the other upon the other side thereof, may have in themselves other advantages: but I cannot be so blind when I notice the *Mapp*, as not to discover too palpable an inconveniencie to be past over, where with both the said Countries are much straitened: to wit, the Town of *Newcastle* lying upon the mouth of the River, which doth so absolutely command the River, that whoever is master thereof, may if they please, lay what imposition they think fit upon both the said Countries: seeing, if any difference should fall of the Town of *Newcastle*, and the Possessors or Inhabitants of those two Provinces, they may make themselves very quickly Masters [209] of them, by imposing what conditions they thing fit upon them: seeing no Ship can either conveniently go up or down the said River of *Delawar* but by allowance of any Fort, built upon the said town of *Newcastle*. Whatever opinion others may have of this as a matter of no great import, I have these sentiments of the apparent inconveniencies thereof, as after perceiving it never to be any more so much concerned, as to make farther inquiry after these places, seeing in my apprehension, no advantage to be proposed there could compensate that so visible [in]conveniencie.

As for *Carolina*, I confess it is nothing strange that any person who hath read *Ogilby's* description thereof in his *America*, and *Wilson's* in his Treatise thereanent, Judge it, in a manner, a *Terrestrial Paradise*; but notwithstanding all of this, ere you pass any judgement upon my choising rather *East Jersey* than *Carolina* for the seat of a Collony from this, allow me to give my reasons why I do prefer the one to the other. [210] We lye here in 56 Degrees of *Northern Latitude*, *Jersey* in 41, *Carolina* in 31; it is very obvious to any understanding person, that our removall to 41, is more probably contributive for our health, than to 31, being ten degrees hotter, and consequently more dangerous; whatever opinion others may have of this I judge it a matter of no small consequence, health being very much preferable to all other things whatsoever.

But further, our access to *East Jersey* is very patent, no apparent obstructions in the way, whereas the coast of *Carolina* in the most dangerous in all *America*, there being a bank of sand lying all along the same for 200 Leagues and upwards, so that the entry to any part thereof is altogether hazardous ; we have too sad a proof of the truth of this by the Shipwreck of the *James of Air*, upon that bank this last Harvest, in which were lost upwards of 60 people.

Experience also teacheth that the Climate of *Jersey* is far more suitable to our *Constitutions* than that of *Carolina*. [211] You find in all the Letters come from *Jersey*, this one particular specially marked, *That it is a very healthfull air* ; no complaints of sickness there : whereas in the few Letters from our Countrymen settled in *Carolina*, You have an account of the death of the greatest part who went hence to that place.

There is one further consideration obliging me altogether to close my Ears and Eyes against *Carolina* : whatever specious pretences may flie abroad in favour thereof, and be received by such who are not concerned to enquire further than to *hear-say* ; and that is, the consideration of the model of their Government, than which nothing can be more discouraging to any having the sense of a rational Man, or spirit of a Gentleman. The Offices of Honour and Trust, such as *Chancellour, Theasurer, Admiral, Secretary &c.* are all Hereditably annexed to the Proprietors, by the constitution of their Government : so that let a Gentleman deserve never so well, however eminent his parts may be, he must in the first place purchase a property, ere he can attain to any of those places of [212] Trust, or Honour ; whereas, if you have so much Money as to make this purchase you may then come to these preferments though you were the *arrestest Blockhead in Nature* ! Money here makes you capable of Preferment, which neither Vertue, Merit, nor parts can do ! Can there be a greater discouragement to any person of *Spirit* or *Honour*, than to go subject himself to a Government where he sees himself debarred of any Trust or Preferment, howsoever deserving he may be ? unless he hath money in a manner to buy it with. Both in this *Kingdom* and our *Neighbour Nations*, we see mean Persons have by their Parts and Merit raised themselves to places of the highest Preferments in the Kingdoms, and have discharged that Trust conferred upon them with *Honour* and *Applause* ; So that when I have

this consideration before my Eyes I must conclude any who subject themselves to that *model of Government* are either ignorant of the Constitutions thereof, or of very mean Spirits, to settle themselves in a place where Vertue and Merit can neither raise them, nor their Posterity! [213] Let me add another Ground of my dissatisfaction with the *Model of that Government*, and you may judge whether the same be reasonable or not. There are *eight Proprietors*, by their *Constitutions* it appears clear to me, that they are so many *Sovereigns*, seeing by one express *Article* of their *Fundamental Constitutions*, it is declared, *That the Proprietors are no wayes subject to Law, in so far as to be censured by any Judicature there*: So that be their Actings never so Illegal, or unjust; if any [of] these *eight Proprietors* should commit Murders, or Rapes, or any other act of Oppression, they cannot be challenged upon account thereof in any *Judicatory* in *Carolina*.

These being so material objections, I need not add the apparent hazard of being next Neighbour to the *Spaniard*, whose interest it is to ruine any settling at *Port Royal*: how little probability there is, that any going at first from this can be of sufficient strength to defend themselves against their designs, that in case of any assault from that airth, their next and only neighbour *Charlestown* [214] could not give that help, which were requisite in such an exigent, either against the *Spaniards* their next Neighbours, at *St. Augustines Fort*, or the *Natives*, if they should become *quarrelsome Neighbours*. But from the complex consideration of all together, I must divest myself of my reason, ere I judge *Carolina* a proper seat to settle myself in.

But tho you be obliged to grant that *East Jersey* may be the most desirable spott of ground upon the continent of *America* for such a design, upon the above written considerations: yet I do apprehend you may incline to think that *Tobago*, *St. Luce*, *St. Vincent*, or some of these Islands, were yet more proper as affording at first view greater ground of expecting suitable returns to the apparent expense & hazards of such an undertaking; witness the great riches of *Barbadoes*, by the improvement of Trade, from that place all *Europe* over.

In answer to this I must confess, Sir, that there may be greater improvements of such Islands as to trade, when they do come to that length of improvement, as to produce *Sugars*, *Cotton*, [215] *Indigo*,

&c.; But let me also tell you, there is a certain prospect of far greater and more imminent hazards in settling there, than in *East-Jersey*. It is certainly obvious to the meanest capacities what hardships these must be obliged to lay their compt. to meet with who would inter-prise such a design, not only from the wants they might be exposed to throw lack of necessary supplies, wherewith they cannot expect the conveniencie of being furnished, but from other hazards and difficulties. It is not small stock could set such a design on foot neither can it be expected that such who would ingadge in such undertaking from this place could in many years attain to that strength which were necessarily requisite for defending themselves even against the Piracy of a *Buccanier* or two far less against the invasions or assaults of foreign States and Princes.

As for my own part I must confess I am not very anxious of great Riches, as the result of this undertaking, but to carry my Wife and Children with me, I am bound the best I can to look to their Accommodation: when I land in *East* [216] *Jersey* there are Lodgings, and all other necessities to be had for money, till by our own industry in Labouring the Ground, we provide for ourselves, which could not be expected in one of these Islands. If I have a Countrey no worse than the *South of France*, with these Conveniencies above narrated, I desire no richer Soyl: though greater expectations might be had of the result of such a design of settling in one of these Islands, as to Profit and Gain, when once come the length of a good Trade.

But besides this our *Countrey People* which will be the strength of any *Collony* to go from this place know very well how to labour the Ground, for producing all sorts of Grains, after what fashion to breed abundance of all sorts of Bestial, in Both which, will the greater riches of Jersey consist: But it cannot be expected, that they know how to improve these Islands, for Sugar, Cotton, Indigo, &c. and this being altogether out of their road, we should thus be altogether deprived of the assistance we may rationally expect from them, by proposing to settle in a place where the Negro Slaves could do more service, and [217] be far more usefull than the most laborious and judicious of our Country People.

As for the ordinary *Objection* against settling in Jersey, upon account of the inconveniencies [that] may rise from having a *Governour* of Principles alledged inconsistent with the standing of any Society, upon this one head mentioning no other, that a man who pro-

fesses he judges it unlawful to draw his sword to defend himself against a Native, if he were coming to cut his throat, can never be so careful in providing such certain and speedy remedies for preventing any hazard that way, as are absolutely requisite for the security of these who settle there, both against any Designs of the Natives or Forraign Invasions. This is very easily answered, that there being several very substantial Citizens of London concerned in this Plantation who are not of this Principle, who have laid out considerable sums on this Design, as I am obliged to know by the accompt I have from one of them with whom I have some correspondence : who tells me *he himself hath laid out 1800 pounds*, It can not rationally be supposed that they will be so unconcerned, as not to follow such measures as may secure what interest they have there. [218] Methods are already laid down, which I know will satisfie you in this particular, that as to defence against any such inconveniencies, *East Jersey* will be as effectually secured as any of the Neighbouring Plantations.

As for any other apprehensions you or others may have upon this head, I shall only say, *whatever, Mr. Barclays Principles may be, he is a Gentleman known to be abundantly qualified to advance the interest of that Collony ; else the Trust thereof had not been devolved upon him by the Proprietors, who are Men more knowing in their own affairs, than to have made an escape [mistake?] in so material a point : they are Men abundantly sharp sighted to remark his Actions, and accordingly as they find for the interest of the place, to continue him in that Trust or not ; And you may be assured, he understands himself so well as to behave himself in that station so as becometh a Gentleman, concerned in his own Credit and Interest, seeing upon the least malversation, he is as well lyable to censure of the Law as the meanest Inhabitant.* Which consideration abundantly [219] secures any reasonable man against the apprehensions of any inconveniencies from his being Governour ; tho his inclinations prompted him to act upon a selfish design, to the prejudice of the general interest of that Province, I perswade myself, he is more a Gentleman, than ever to be guilty of any thing that is base, or unbecoming a Gentleman.

It is now more than time to bid you farewell, having nothing further to add, hoping from what is here said, you will rest satisfied, that in prosecuting this design, I do act upon solid foundations : let the result be what it will, I hope you are convinced I have not pro-

ceeded indeliberately therein. I am not so foolish as to propose no difficulties to myself to be rancountered, notwithstanding all the encouragements above written ; I am too well acquainted with all the *Spanish, French, Dutch, Portuguese & English* undertakings of this nature, and their straits and difficulties they have been trysted with in prosecuting thereof, to think I have any ground to expect to be altogether exempted from all the inconveniences they met with ; as to this I cast myself altogether upon the divine Providence, being convinced, I am in my duty. If you please to [220] take a share, it would be not a little encouraging to me ; you see that we have some Gentlemen of our Countrey settled already there, so that I am, hopefull we may have there a very agreeable society : if your affairs cannot allow, your good wishes are expected by, Sir

Yours &c. G. S.

Sir Since the conclusion above written severall other Letters are come to my hand which I had not formerly seen, most of them of a later date : I resolved to add them to the rest for your further Confirmation.—

*A Letter for Mr Robert Paterson Principal of Marishal Colledge,
in the City of New Aberdeen. in Scotland.*

*Woodbridge, in East Jersey
in America, March the 7th, 1685.*

Sir, I Hope you have heard of our Voyage and safe Arrival here. I thought it my duty to present my dutiful respects to you and all Friends at [221] *Aberdeen*, and to acquaint you of mine own and all their welfares who came over the last year, all which intend to settle in the Countrey except ———, who has spent all his means already foolishly on drink, and is returning home for more. You have *David Barclay* and *Arthur Forbes* to inform you of this Countrey : when I have seen it through all the Seasons of the year as they did, I shall then give you my opinion, if you be desirous : only in short, what I have seen I may write,—that it pleases me better than *Virginia, Maryland, Pensilvania*, or *West Jersey*, that it is pleasant to mine eyes, and I find it healthful to my body. I am not troubled here (blessed be to God) with defluctions, head aikes, and

coughs, as at *Edinburgh* :—that the land is furnished with all conveniences of Nature, such as Wood, Grass, Meadow, and abundance of fresh Water Springs, Brooks and Rivers, and plenty of Deer, Turkies, Geese and Ducks ; many tender Herbs, Fruits and Trees grow naturally here that will not grow in *Scotland* at all : these things are so notoriously known, that it is superfluity to write them, and no unbyassed person will deny them, or speak ill of the land. There is about a duzon or 14 houses in *New Perth*, and the half of those built since we [222] came ; several others are building presently, and many others have taken Lotts to build ; Mr *Mudie* is building a stone house, and has a Horse Mill ready to set up ; Governour *Rudyard* intends another Stone house this Summer.—The Governours house, and the publick Court-house are abuilding. It is the best scituate for a City of any yet I have seen, or for ought I can learn, of any yet known in *America*. There is great encouragement here for all kind of Tradesmen : I intend myself to follow mostly Planting and Fishing. Let this remember me to all my Friends, Relations, Comorads and Acquaintances at *Aberdeen* ; I could not write to them all, being busied about mine own settlement, and it is now far spent in the year, so that I do not expect to do much this year ; neither could I settle sooner, by reason that my bed-cloaths are not yet come from *Maryland*, and the land I intend to settle on is not yet purchased from the *Indians*. I intreat to hear from you on all occasions, and what remarkable News abroad or at home, and how the *Civilists* place is disposed of. My service to yourself and bedfellow. I am Sir,
Your most affectionate and

humble Servant *Charles Gordon*.

[223] *For Mr. Andrew Irvine Merchant, at his Shop, in the
East end of the Lucken Booths in
Edinburg, in Scotland.*

*Amboy in the Province
of East New Jersey, in
America, March the 5th 1685*

Dear Andrew

I suppose ye have heard of our voyage from my Brother, and Governour *Barclay*. I shall only in short tell you that notwithstanding

ing the loss of our masts, we were only 8 weeks betwixt land and land, and entered the *Capes of Virginia* the same day 9 weeks we parted from *Aberdeen*. We sailed up *Chessapeek* bay to the head of *Bohemia River* in 2 Sloopes, from thence we came to *Elizabeth Town*, partly by Land and partly by Water: the storm being the tail of a *Hurricane*, was not universall, for we heard of no Ships which met with it but ourselves; nor the *Montrose* Ship did not meet with it. There is incouragement for several trades here; in the first place Planting: for *Wheat*, *Indian Corn*, *Beef Pork*, &c. give all ready money in *York* and the Neighbour Collonies: *Wheat* 4 shillings the [224] bushel, *Indian Corn* 2s or half a crown. *Pork* and *Beef* &c. to be had at an ordinary easie rate. And in the second place there may be Fishing: For the *Inhabitants* aver they swim so thick in the Creeks and Rivers, at certain seasons of the year, that they bailed them out of the water with their very hands. In the third place for one to have a Malt house, a brew house, and a bake house, to make Malt, brew beer, and bake bisket for *Barbadoes* and the Neighbour Collonies; providing he have a Ship of his own, and skill to manage his business, would certainly be a good trade. Lastly for one to buy up the product of the Countrey, snch as all kinds of grains, *Beef*, *Pork*, &c. and export them to *Barbadoes*, and import *Rumm* and *Malasses*, would certainly be a good trade; and likewise change keeping would be a good trade in *Amboy*, for the highest designe of the old *Buckskin* Planters (I am just now drinking to one of them, our Countreyman, who was sent away by *Cromwell* to *New England*; a slave from *Dunbar*, Living now in *Woodbridge* Like a *Scots Laird*, wishes his *Countreymen* and *Native Soyle* very well, though he never intends to see it. Pardon this Parenthesis,) is to acquire a piece of monie to drink [225] in the change house. This Countrey and particularly this Town (showeth it to be the best scituated for a city of any here known in *America*) is but yet in infancie (it not being above 48 years at most since ever there was a Planter in the Province: and that occasioned by their changing so many Masters) yet there are severall thousands of People already, and no want of good company, and if ye please bad too, as in any place of the world: neither are we destitute of *Books* and *Clergy*, for *George Keith* (who arrived three weeks since with others. they were all winter in *Barbadoes*) hath brought *Mathematicks*, and *Benjamin Clark* a *Library* of

Books to sell : so that you may see *New Perth* begins to be founded upon *Clergy*. Shew my Cusins, *George Burnet* and *Richard Maitland*, that I hope they will not laugh more at me, for saying in *Edinburgh*. *I would line my house with Cedar-wood*, for all houses here are covered with *Cedar*, and one just now built in *Perth*, altogether of *Cedar Wood*, it is reckoned a wood of no value here, except for its lastiness. I intend to follow Planting myself, and if I had but the small stock here I have in *Scotland*, with some more servants [226] I would not go home to *Aberdeen* for a *Regencie*, as was profered me ; neither do I intend it ; however, hoping to get my own safe over. We are not troubled here leading our pitts, mucking our Land, amd Ploughing 3 times : one Ploughing with 4 or 6 oxen at first breaking up, and with 2 horses only, thereafter, suffices for all ; you may judge whether that be easier *Husbandrie* than in *Scotland*. But I know you are no good *Husbandman* ; But which of the aforesaid trades you will choose, if you will come here yourself is more than I can devine, or will advise you to ; I have told you how things are, and in *God's Name* take your own choice, as I have done. I shall tell you what I would do were I in your place, if it shall fall out you do come, I would get some trusty Comorads, Merchants to joyn with me, and sett up a trade in *Perth*, for I think a mans own trade fitts him best : if you have 5000 Merks it is enough, 4 in goods and one in Money. Let none come destitute of money, it is of great request here, and gets cheape Pennyworths, and 25 *per cent* of advantage by it ; but I doe not advise you, for if you should meet with such trouble and disappoyntments as we have done by being put by our *Port*, you would perhaps be [227] discouraged, & give me the blame. All our baggadage is not yet come from *Maryland*, and I want yet my bed Cloathes, and the Land I intend to settle on is not yet purchased from the *Indians* ; for after I have viewed all the *Province*, such of it as is yet habitable, I have chosen the *South branch* of *Rariton River* for conveniency of Fishing, Fowling, and Meadow ; but all the best Land lyes back from the Rivers, and the Sea Coasts ; the further back the better it is, which necessitates me to go a mile back. In brief what you heard of the countrey is all true, so I need not spine out long Discriptions of it ; no unbyassed and indifferent Person will speak ill of the Land, it is both pleasant, and wholesome ; and industrious People, after some few years Labour

may lead a pleasant, easie Life, and want for nothing ; and I am of opinion, may grow rich too, if they take pains for it, and follow Merchandising ; and some are actually grown rich since they come here who had nothing before. If any shall miscredit what I have said, I shall not think myself baffled for that, but let them live in their opinion and I will live in mine ; And if they please they may do with me as I did with *John Skeens* Wife, cast my letters in mine own teeth, and when [228] they come upon the place, I shall make good what I say, face to face, as she did to me : and if they come not themselves, they need not trouble themselves whether it be true or false. The goods fit for this Countrey are all kinds of house hold Plenishing, without which and a years provision in victualls, let none come hither, if they would wish not to be preyed on by the old Planters. All course cloth such as hoddens grayes, and Plaiding, course stockings, and Linning ; no fine things for an infant Countrey, except for a man's own use : course Bedding and Blankets : Governour *Barclay* can give you full information on this point. The Inconveniences we have met with are, great trouble and charges for want of our baggadage ; there is likewise trouble and charges for the first settlement in carting out ones goods to the woods : fencing is the chief Difficulty, and if there be many great trees the loggs must be drawn off with oxen and the branches burned, the trees are felled equal to a man's thigh high, but the roots are no impediments : where is much brush the roots must be plucked up with grubbing howes : any man may learn Husbandrie here who was not acquainted with it in *Scotland*, (Tobacco would grow here as well as in *Maryland*, but it is [229] best for *European* graines :) I doe not intend to write more Letters to *Edinburgh* with this occasion, being busied about mine own settlement ; therefore I entreat you will remember me to all my friends, Relations Comorads and Acquaintances at *Edinbūrg*, and shew them of my wellfair ; that I had not my health so well these 7 years by-gone, as now (Blessed be God,) and that I am not troubled with coughs and head aikes as in *Edinburgh*, which is likewise a great motive for me to stay in this Countrey. I intreat to hear from them all ; you will not readily miss occasions from *London* every Moneth to some place in *America* : And there is ordinarily occasions hither from the neighbour Collonies. I have received letters from the *Bissets*, and my Brother, from *Mr. Alexander* since we came : I entreat to hear particularly from the *Professor of Divinitie* and *Math-*

ematicks, Doctor Pitcairn, Mr. George Alexander, and any others who shall ask for me, wishing you and all your concerns well, I continue Dear Cusin,

Your most affectionate Cusin, and humble Servant

Charles Gordon.

Postscript by the foresaid hand

[230] If any pleases to tell me what their scruples are, I shall endeavor to answer them, if Servants knew what a Countrey this is for them, and that they may live like little Lairds here, I think they would not be so Shey as they are to come ; and during their service they are better used than in any place in *America* I have seen. You may know my Subscription by the sign I gave you of my Pistoles misserving in the Boat, or at least when you tell your mother, you may mind on me, for you will miss some pints of wine you spent with me (that Friday night, you conveyed me aboard) on the Shore, and in the Ship. If there were a Caball of Merchants here to export the product of the Countrey to *Barbadoes*, and the *West Indies*, and to Import *Rumm, Malasses, Sugar and Cotton*, &c. it would do a great deal of good to this Countrey. I intreat to know what remarkable Revolutions has happened either abroad or at home since I came away. Any Merchants who settle [231] here must take Lotts in the Town, and build houses. Mr. *David Mudie* is building a stone house, and hath already a Horse mill ready to set up presently in *New Perth*. Adue.

For Mr. James Mudie Merchant in Montrose.

New Perth, the 9th of March, 1685.

Sir, My Love ever being remembered to yourself, Lady and Children, these are earnestly intreating yout to let my Wife have any little thing she stands in need of until it shall please the Lord I return, and I shall pay you very thankfully, I have left *Thomas Parson*, and resolves to trade this Summer in the Countrey, and to come

home with your Uncle the next Spring. I wish you were here and your whole Family, for I doubt not but the Countrey would please you well ; For there is abundance of much better Land here than ever *Arbikie* was, and an Earldome to be bought far below in pryce the vallue of what such pettie *Lairdships* as *Arbikie* is sold for in *Scotland* ; without purging of the Lands of any incumbrances. For I [232] hope to winn as much monie this year, as will buy a better Lairdship than *Arbikie* ; and if ye resolve not to come over, I resolve to buy Land before I come from this, and title it *Arbikie*. But I shall be sorrie to take away your title, but if I do, it will be your own fault : and for your better encouradgement, I know you love a Gunn and a Dogge, and here ye will have use for both. For Wilde Geese, Turkeys, Ducks, and Drakes, Partridges, Conies, Doves, and innumerable more kinds of Fowls [of] which I know not their names, are here to be seen every hour of the day, in flocks above Thousands in Number ; And for your Skieft which you use to Fish with bring here with you, or one like her, for I assure you of good employment, and yet ye may catch more Fish in one hour here. than any Fisher in *Montrose* in two, excepting Podloes at the shore head.

Sir, take this as no jest from me, for what is here written is a reall truth : but ye may think, it is not my dictating, but the Writer and I have set it together the best way we can ; But yet not so [233] full as I would have had it. Present my Love to your Sister, Uncle, and all Friends, and I am Sir,

Your very loving Friend and
Cusin James Mudie.

*A letter from David Mudie, Merchant in Montrose : For James Mudie
of Courthill in Scotland.*

*New Perth the 9th of
March 1685.*

Loving Brother

I Wrote you a lyne upon my arrivall here, and by my last to my Wife, of the date the 12 *December*, I desired her to let you see it, which I hope she has done if it be come to her hands ; I do now

understand this Countrey, better than I did at that time, and the longer I travell in it I like it the better: for a frugall man with a small fortune may very soon raise a good Estate, which I wrote formerly to my Wife. In relation to the Countrey, I find it most certain and much better than I wrote: this Winter hath been exceeding hard and sharpe, the like not seen by those who have lived 20 or 30 years in it, which hath [234] hindered me of a great deal of work: yet I have cleared three Acres of Ground to be an Orchard and a Garden, which lyes close to the house which I am a building, which is all of Stone work with Cellars under the Ground, six Rooms off a floor, two Stories high, besides the Garrat: and I have two Masons dayly working at it since the first of *February*: three Wrights working at an Horse mill which will be blear against the latter end of this Moneth: And I am told that the Mill will be worth 100 *lib* a year, but I am sure she will be better than 50. of clear Money, for every *Scots boll* of *Wheat* or *Indian Corn* payes here for grinding of it 2 *shill*: *Ster*. This house and mill stands me a great deal of Money, but there is none such in this Countrey, nor ever was. I resolve to go out to the Countrey to the Land which I have taken up, which is upon a place called the *South River*, which is 2 hours going from my own house by water; I mind to settle some of my Servants there against the middle of this Moneth; I am provided with six course Horses, Oxen and Swine sufficiently in number, for any Plantation for the first year: the Land I have settled on, in my Judgement is extraordinary good. If any Friends or Acquaintance hath any inclination to [235] come over here, I can assure them, if they be Frugall men, and have but 300 *lib* *Ster*: Stock, they may live better than a gentleman with us of 40 Chalders of Victuall. I cannot now resolve to come home till this time twelve Moneth, since *Thomas Parson* hath so much disappointed me, as I have written to my wife: but against that time, if the Lord preserve my health, I will come home then. Present my service to *Arbikie*, and to my Sisters, and to all our Friends, which will save me trouble to give them a Line; my love to your wife, and children, I am,

Your loving Brother

David Mudie.

Let *Arbikie*, my sisters, and the rest of my Friends see this Letter.

*Abstract of a letter from Robert Fullerton Brother to the Laird of Kin-
naber, to Brothers and Sisters, from Amboy the 6 of
November 1684.*

Dear Brothers and Sisters.

By the Mercies of the *Most High*, we are safe arrived, after a long Demur by [236] contrary winds: we encountered very happily at first with *Long Island* and the next day came to an *Anchor* in *New Jersey*. The Passengers did all very well, though we had some very rough gusts, and were very thronged in so small a vessel, being 130 Souls, besides Sea-men: of these 27 were women, 6 or 7 children only; one man whom I hyred in your house called *William Clark* standing carelessly upon the Forecastle tumbled over boards, and drowned tho we put out our boat and endeavoured in vain to save him. This Countrey pleaseth us very well, and appears to be nothing short of our expectation. We were yesterday, ranging about viewing our Land, whereof you shall have accompt by the next: the Land in general is good, and agrees with the accompt you have heard: the trees are nothing so invincible as I did imagine, being neither so thick nor so great as we thought. The first plant which I touched was wild Bayes, which grow in abundance here, the fruits are very excellent, such sorts as I have seen, apples the best I believe in the world, some I have seen of a pound weight [237] Cattle in generall are abundantly plentiful, especially Horses and Oxen; the greatness and fatness of the Oxen will Countervail the Difference of the price, being about 5 *lib sterling*. The Countrey is not altogether levell, as some other Countreys here, but hath easie rysings, and Vallies. My new experience cannot give you such an accompt as you may afterwards expect, but in generall the Countrey may satisfie any rationall ingenuous mind; yet I find there be Novices who know no happiness same home, with a glass of Wine, and Comorads in a change House: tho there be no want here of more noble divertisements as hunting wild Beasts, wild Horses, and Deer: yesterday I did see severall droves of Deer, and wild Horses, as I did ride up in the Countrey. The Land which we were viewing is a little plain, under the blew hills, watered with two or three little Rivers, about 8 or 9 miles from *New Perth*, four from *Rari*

ton River Northward; the land downwards is all taken up by the Quitrenters of *Piscataway, Woodbridge, or Elizabethtown*. There shall be nothing of care wanting in [238] your affairs, and I do expect the like from you; I hope my Grand Mother is in health—wish her from me long life, and good health, and assure her she wronged the Countrey in her opinion: present my love to all my Friends.—
I am Your affectionate Brother

Robert Fullerton.

A Letter from John Forbes Brother to the Laird of Barula, Directed to Mr. James Elphinston of Logie Writer to His Majesties Signet in Edinburgh, in Scotland

From Amboy-point, alias New Perth, in the Province of East New Jersey, in America March 18 1685.

Honoured Sir,

I having the occasion of this Bearer Mr *Drummond*, brother to *John Drummond* the Factor in *Edinburgh*, and who came Passenger with me to this place from *Scotland*, I could not omit my duty in acquainting you by [239] this line of our safe arrival into *America*; who being by the Divine Hand of Providence miraculously preserved from the cruelty of the tempestuous Ocean, occasioned by a mighty storm of wind, (which happened upon the 12 day of September last) and which blew so tempestuously, that, in short, it carried first away our Boltspret, and afterwards our whole three Masts, Flagstaff, and all by the board. before the sailors were able to get them cut: it likewise took away the awning above our quarter-deck and left not so much as an yard of a rope above our heads, all of which was done in the space of half an hour. We lay thus distressed like a pitiful Wrack all that night, (we having lost our Masts about 12 of the clock in the day) and two dayes thereafter at the mercie of the Waves (which being like mountains occasioned by the great storm of wind) without hopes of recovery, being then above 200 leagutes from this land of *America*, tossing to and fro expecting that each wave should overwhelm us: Yet at last it pleased God to turn the

storm into a calm: and having preserved all our lower Yards, we made all haste and made Jury Masts of them; with the help whereof (though very unsufficient ones, to drive forward the bulk of so great a Vessel) and of [240] Gods miraculous Mercie and Providence. Who—immediately after we had put our ship in any mean posture for plying out her Voyage—was pleased to send us such a fair and moderate gale of wind, as brought us in sight of the *Capes of Virginia* within 15 days after, or thereabouts, having never ceased for the whole time till it brought us thither in safety. So we came within the Capes, and sailed up that great Navigable Bay, called *Chessapeik bay*, up through all *Virginia* up to *Maryland*, where we landed at the place where our ship was bound to take in her Tobacco, for her homeward Loddging. But being thus Disabled, and not being able to ply out her Voyage to this place (where she ought to have landed us,) we was necessitated to travel from thence by Land to this place, being upwards of 200 *English* miles, and having left our Goods behind us, (which was thereafter to come about in a Sloup) we was necessitated to stay all Winter in this New and young citie, where we had but very bad Accommodation for Lodging, tho we knew of no want of Victuals of all sorts for money, tho at a considerable dear rate. This hindered us long from our falling to work about our husbandries, which was a great loss of time to us; However, when our sloup came about [241]—which did not hold the half of our goods, So that every man yet wants the half of his goods, But are dayly expecting them by the same Sloup which we fraghted thither back again—I went out to the Woods to the Land we had pitched upon, with several others of our Countreymen such as *Tho. Gordon*, and *Mr. Char*: his Brother, Brothers to the Laird of *Straloch*, *Kinnaber's* two sons *Robert* and *Mr. Thomas Fullerton*, *James Johnston* of *Spotswood*, and *John Barclay* the Governours Brother, with some others; where we have all pitched near by one another, upon a piece of excellent land as we suppose; Whereof I judge I have not the worst (if not the absolute best) piece of land in all the Tract, for we had it all at our own choosing and not by lots. This land lyes not on a Navigable River, but about 5 or 6 miles from *Rariton* River, which is Navigable up the nearest place to our Plantations; for the best places of the Rivers are already inhabited by the old Planters of this Countrey who have been here some 16 or

18 years agoe. There are many places upon Navigable Rivers yet untaken, and some very near this place also, which is intended to be the *Metropolis* of this Province But it is generally sandy barren land; and the best [242] land is computed by all to be in the woods, back some several miles from the Navigable Rivers; So that we rather chuse land for profitableness then for Conveniences of Towns and pleasure allenarly; [entirely?] For there is abundance both of good and barren land in this Province, So that a man may chuse some for pleasure, and some for profit and Con-
veniency, for I intend to take up about 4 or 500 Acres where I have now settled: which is on a very pleasant place and good land, and whereof I have, with two hands (not having had time to get many Servants away with me, having come away upon so short advertisement, and whereof I lost one at *Maryland* by sickness: so that now I have but two, and a woman for dressing our Victuals and Cloaths, till I get more sent me this year) already cleared, or at least will clear, and have in Corn this year about 8 or 10 Acres of ground; tho it was prettie thick of stately tall Timber; and that since the 26. of January, at which time I went to the woods. I have 1000 Acres to take up at this time, out of the first Division of 10,000 Acres, ordained to be laid out to every Proprietor: I having bought a 10th part, whereof my Brother is half sharer. I have also taken up 400 Acres of excellent fine land on [243] *Rariton* River, about 20 miles above *Amboy*, whereon I design to set Servants, that I expect over this ensuing Summer: and so to divide our said parcels, and improve them for a year or two to the best advantage, and then to sell them off, If I design to come home, which we can do at good profite. Now for a general description of this Countrey;—it is a fine place for those who have a good stock, to lay out upon a stock of Cattel of all sorts, which do greatly multiply here in a short time, and are sold at great rates, and may soon increase a stock greatly: or it is a good Countrey for an Industrious Frugal Man, that designs to follow Husbandries closelie: providing he bring but some little stock to stock a Plantation withall: or it is very good for Tradesmen; as good Carpenters, Smiths, Tailors, &c who will get large wages a day: But it is not a Countrey for idle sluggish People; or those who cannot sometimes put too their hands, and encourage their Servants. It is a place that produces many fine Fruits, and Physick Herbs; The Woods are stored with wild Deer, Conies, Wolves, Bears, Ra-

couns, some Beavers, and several other Beasts, which have fine Furrs; There is also abundance of Fowls, and Fish, and Water Fowl for the killing. The Timber [244] are mostly Oak of all sorts, Walnut, Chesnut, whereof there are great abundance where I have planted, tho they be scarce so bigg as these that comes to *Scotland*, yet large and pleasant. Strawberries grow very thick upon the ground amongst the Trees, so that some places of the Woods are in Summer as it were covered with a red cloth, As I am certainly informed. Fruit Trees advance at a great rate in this place, for a Man may have an Orchard within a few years after the Planting, that may yeeld him a great quantitie of Cyder, which is the chieftest of their drink in this Province, even amongst the meanest of the Planters. So that this Countrey if well improved, may make a fine place; for Nature has been deficient in nothing to it, either for pleasure or fruitfulness of the Soyl; So that a man being once settled two or three years in it, and having Corn, Cattle and all things necessary for the use of man within himself, And the trouble and hardship of his first settling by his hand, He may live as comfortably here as in any place in the World: Providing he could dispence with the want of his Friends and Relations, and the satisfaction of their Companie, which is the loss I most regrett in this place. And thus having given you a short description of the place, I [245] cannot but in the next place, much regrave my misfortune, in not seeing you and taking your advice before I came to this place; But my Resolution was so sudden, by the encouragement I received from the Chief Governour, and some of the Proprietors at *Aberdeen*: (having come in onely to see my Sister with my Brother) and by the many Gentlemen that were going along in the ship, that I was induced to go along without so much as taking my leave of any of my Friends, save onely those that were then in Town: So that I came of resolution onely to see the place, and to settle onelie if I found conveniency.—And having thus abruptly come away, when I came here, I designed not to return till I took some tryal of the Countrey, that at my return I might be the more able to give a true accompt thereof. I am not as yet of any determined resolution as to my staying for altogether, as yet, but I resolved to stay this year, till I see what the ground produces, and to see how my endeavours take effect; and God willing, by that time I may in some measure be resolved what to do, for then the greatest hardship will be over my head; and by that

time I will have up a prettie good house, which is near already framed, whereas hitherto I have dwelt for the most part here in a *Wigwam* : [246] (as we call them here) accounting all our hardship in the beginning but short, in expectation of good success in the end. But however I may be resolved hereafter, I intend, God willing, life and health serving, to come home or start within this year or two, and see all my Friends, and apologize the best manner I can for my abrupt departure. Now having thus in some measure discharged a part of my dutyfull respects towards you by this line, in letting you know of my wellfare and present condition ; Earnestly desiring ye will favour me with a return by the first occasion ; wherein I shall be glade to hear of your welfare, of your kind Ladies and Children (To whom and others my nearest Friends and Relations, and Comerads, I desire the favour to be Kindly remembered) begging pardon for this trouble, and your patience to peruse this, when your leasure can permit : and afterwards to communicate it to my Uncle, *Calderhall* and his Lady, or to my Cusins *Harrie Lockhart*, or *George Erskens*, if they call for it ; I not having time at present to write to them at length, as I have in haste done to you. I shall forbear to give you further trouble at present ; intreating you to remember me kindly to your Worthy and Oblidging [247] Lady, and fine Children, and shall only subscribe myself, as I sincerely am, and shall continue, Sir, Your most affectionate Cusin

and oblidedg Servant, while

John Forbes.

A Letter from Thomas [Robert?] Fullerton, to his Brother, the Laird of Kinnaber, dated from his new possession, in the plains of new Cæsarea: January 7.

1685.

Dear Brother,

You have, above, a transcript, containing the principal Contents of an abrupt Letter, sent you three or four days after our arrivall : since that time we have possessed our Selves in the above mentioned plan 11 miles from *New Perth*, four from *Rariton* Northward, and 12 from *Elizabeth-Town* ; we have the honour to be the first Inland

planters in this part of *America*, for the former Settlements have been by the *River-sides*, which are all possessed [248] by the *Quit-renters*; the which I would have grudged at, had I not found the goodness of the Land upwards will countervail the trouble of transportation to the water. As to the number and nature of these *Quit-renters*, they are about 2 or 300 Families, some civill and Discreet, others rude and Malcontent with the late Purchassers, and need some thing of austerity to make them Complaisant. We have at present sharp frosts, and a good deall of Snow, three dayes of vitrefying frosts this winter, had not its match for cold these 16 years by gone, as the Inhabitants do inform us. Against this extream, we have a good Defence of Fire, and felling of Trees, and might live warm enough, were we not forced to travell for recruit of Provisions. I reckon the winter to consist only of nights, for the *Suns* appearance by day moderateth the cold, and melts the Frost: I do not find the cold here to cause obstructions or coughs; the Air is ever transparent. We have singular good stomachs, which if it continue as they say, it will require a fertile Countrey when peopled. The water [249] or temper of the Air keeps mens bellies moderately looss. I cannot find it necessary to give any particular account of this Countrey with its product, because ye have had already many, and some very ingenuous of this nature; besides I have not yet proof of all the *seasons* of the year. We have the Deer to walk the round nightly about our Lodge; this morning I shot a large Hart, and followed his bloody tract in the snow above two miles before he dyed; I believe the fattest Deer in the world are here. We have made choise of your land next adjacent to mine, and have placed your Servants there, where they will settle if we find convenient, when the snow is away: this is all at present from,

Your affectionat Brother

Robert Fullerton.

Another Letter from the same hand, dated the 10 of March, 1685.

Dear Brother.

Before the dispatch of the above written, of the date of this Instant, so that they may both go [250] together; the Winter is now

past, and we are providing ground for the seed, the Fields being bare, we can better distinguish where is good land. We have chosen our chief Plantation and yours two miles further up the Countrey, closs under the blew Mountains, where you may reckon you have an Estate of 40 Chalders of Victual, with no more Wood thereon than yourself would desire, and it might yeeld no less yearly, presently, if it were all plenished after a little pains to root out the brush ; that which wanteth Wood is open plain with short bushes, which we cut at the roots with a how. I wish the adjacent bounds were purchased, and possessed by our friends, who have any design this way ; for it is excellent land ; the mould in the Province in Generall, is either like that I possessed at the *Northwater*, or more marly or clay ; but all of it hath 3. 4. or five inches of black rotten mould uppermost. I have not much more to trouble you with, but my respects and love to all Friends ; if my Uncle or any other Friends send their Sons here, let them advert to this Maxim, *A Gentleman* [251] *that is not to work himself, must be well provided with a Stock*, and this must be more or less as he designs his Estate. I question not your care of my affairs ; neither need you question in your concerns the care of

Your affectionate Brother,

Robert Fullerton.

Abstract of a Letter from Charles Gordon (Brother to the Laird of Straloch) to Doctor John Gordon, Doctor of Medicine at Montrose ; dated at Woodbridge, in East Jersey, 7 of March 1685.

Dear Brother,

I Design 100 pound Sterling for goods and servants ; if Tradesmen and Servants knew they were better used here than in any Neighbouring Collonie, and that after their time is expired, they may gain a stock by their work, and live like some of your Laids before they dye, they would not so much scrouple to come hither. There are a number of queries proposed by our Brother [251] *Thomas* to the Fullertons, which I remember you desired me to answer ; the most materiall of them are answered, by this and my former Letters;

I shall therefore superceed any long description of it, till I see it throw all the seasons of the year ; in short I see it pleasant, and furnished with all conveniencies of Nature, such as woods, grass meadow, plenty of Fresh Springs, Creeks, and Rivers ; I find it wholesome for I am not (blessed be God) troubled here with Defluction, head akes, and coughs as at *Edinburgh*, which is a great inducement for me or any valitudinary man to stay in this Countrey ; People come from *Barbadoes*, to *York*, and hither, for their healths sake. —If you design to come hither yourself, you may come as a Planter, or a *Merchant*, but as a *Doctor of Medicine* I cannot advise you ; for I can hear of no deseases here to cure but some Agues, and some cutted legs and fingers, and there are no want of *Empericks* for these already ; I confess you could doe more than any yet in *America*, being versed both in *Chirurgery* and *Pharmacie* ; for here are abundance of [253] curious Herbs, Shrubs, and Trees, and no doubt *Medicinall* ones for making of drugs, but there is little or no Employment this way. Your Servants are settled on a pleasant plain beside the *Fullertons* on a brook ; called *The Vine or Cedar Brook*, from a swamp of *Cedars* from whence it springs, and the multiplicity of vines which grow upon it. All your friends and Countrey men here are in good health, blessed be God : This hath been the hardest Winter that was almost since ever there were *English* here ; The sound betwixt *Jersey* and *Staten Island* was frozen in *January* that carts and horses went upon it ; betwixt *Martinmas* and *Christmas* flying shours of snow with clear moderat frosts ; in *January* deep snow and most bitter frosts which ever I found, but did no wayes effect peoples bodies ; the Air being ordinary clear and serene ; about the 20 of *January*, the snow went off insensibly, and about 3 weeks in *February* it was almost like Summer in *Scotland* ; the end of *February* and beginning of *March* for the most part rain and wind. Acquaint me with the value of sweet-sent-[254] Gumm, which flowes from the wood, Gum-trees, of *Sassafras*, *Sassaparella*, and such other things as the Countrey naturally produceth. Be pleased to send me some Medecins for Agues, and accidentall cutts, or sores, in case myself or Servants be overtaken with them. I hope with the blessing of God here to make a livelihood for myself. I intreat to hear what remarkable news, and revolutions are either at home with you, or abroad, and so continues

Your most affectionate brother and humble Servant,

Charles Gordon.

A LETTER from *Thomas Gordon*, Brother to the Laird of *Straloch*.
For Mr. *George Alexander*, Advocat in *Edinburgh*.

From the *Cedar Brook of East New Jersey*,
in *America*, the 16 *February* 1685.

Dear Mr. George. This is the fifth time I have written to you since I came to *America*, some of which I am confident have [255] come safe to your hands: so that I need not now resume them, for in them I gave you a full account of our danger by Sea, and travels by Land, and therefore I shall now proceed and begin where I left last. Upon the eighteenth day of *November* I and my Servants came here to the Woods, and 8 dayes thereafter my Wife and Children came also; I put up a Wigwam in 24 hours, which served us till we put up a better house; which I made 24 foot long, 15 foot wide, containing a Hall and Kitchen both in one, and a Chamber and a Study, which we put up pretty well (with Pallissadoes on the sides, and Shingles on the roof) against *Yuill*, on which day we entered home to it; and have been ever since, and still am clearing ground and making fencing: So that I hope to have as much ground, cleared, fenced ploughed, and planted with *Indian Corn* in the beginning of *May*, (which is the best time for planting it) as will maintain my Family the next year, if it please God to prosper it. *Robert Fullerton* and I are to joyn for a Plough this Spring, consisting of 4 Oxen and two horses, but if the Ground were once broken up, two Oxen and two Horses, or 4 Oxen alone will serve; so that the next Spring I intend (God willing) [256] to have a Plough of my own alone. I intend to build a better House and larger, and to make a Kitchen of this I am in; which I will hardly get done this Summer, because I resolve to build upon my lot at *New Perth*. I am settled here in a very pleasant place, upon the side of a brave plain (almost free of woods) and near the water side, so that I might yoke a Plough where I please, were it not for want of hay to maintain the Cattle, which I hope to get helped the next year, for I have several pieces of Meadow near me. The first Snow we had was about the midst of *November*, and went twice away again, and about the end of the Moneth it came on, and continued with very great Frost and knee deep Snow till towards the end of *January*; and then the Snow dissolved pleasantly and calmly with the heat and influence of

the Sun, and now I judge it as as warm here as it will be with you in *May*, and much more pleasant, for we are not by far so much troubled with winds here, as ye are in *Scotland*; the winter was generally very pleasant and calm, altho sometimes very vehement frost. I have spoken with several old Inhabitants here, who assure me they had not seen so hard a winter as this has been these 16 years bygone; and truly [257] if I never see much worse I shall be very well pleased with this Countrey. We have great abundance of Deer, Turkies, &c. here about us; and as for the wild Beasts, and Natives, (whereof I was greatly affrayed before I came here,) I find no danger, trouble, [or] inconveniency thereby at all: there are abundance of all sorts of Cattle in this Countrey to be had at very reasonable rates, I can buy a good Cow for 4 *lib. ster.*, a good Ox for 5 *lib. ster.*, and a good Horse for 5 or 6 *lib. ster.*: a Hogg for 20*s ster.*: a Bushell of Wheat for 4*s ster.*: of Rye 43*s. 6d. ster.*: of *Indian Corn* for 2*c. 6d. ster.* There are 8 of us settled here within half a mile or a mile of another, and about ten miles from the Town of *New Perth*, or *Amboy-point*, so that I can go and come in a day, either on foot or horseback, viz: *Robert and Thomas Fullertouns, James Johnstoun, of Spotswood, John Forbes, John Barclay, Doctor John Gordon* his Servants, *Andrew Alexander* and myself. This is the most of what I can say of this Countrey at present, for I intend to write nothing but what I either see or know to be certainly true, and for my part I am very well pleased with this retired Countrey life; and I love this Countrey very well as yet, altho I hear [258] of some of onr Countreymen who are not; neither can it be expected, that any Countrey in the World will please the different humours of all Persons. Blessed be God, myself and Wife, and Children, and Servants have been and are still in good health, which God continue: be pleased to communicate this to both yours and my Friends and my Acquaintances, because I have not leisure to write at great length to every one; and let those remember me to all others that give themselves the trouble to inquire for

Your most humble and and oblidged Servant,

Thomas Gordon.

A Letter from David Mudie, of the date of the former, to Mr. Alexander Gairns, one of the Ministers at Edinburgh.

Sir, I did write to you a line upon my arrival here, and my last the 12 of *December*, directed to *John Graham*; I desired him to let you see his letter, and my wives, which would inform you [259] as fully as [if] I had written to you. Since that time I have travelled throw the Countrey, and informed myself of the conditions thereof, which still does the better please me: the winter hath been exceeding hard, and sharp, which had much hindered me of work; yet I have cleared three acres of ground, to be an Orchard and a Garden, which lyes at the back of my house, which I am building of stone, six good rooms off a floor, Sellers all under the ground, two stories high, and garrets, at which I have had Masons since the first of *February*; and I hope will have it fully Finished this Summer, I have also built a horse-mill: The house is 32 foot wide 40 foot long, the great wheel 30 foot Diameter, which I will have fully finished against the latter end of this Moneth; it is told me she may be worth 100 pound Sterling a year; I am sure she will be better then 40 clear money: this from, Sir

Your humble and obedient Servant,

David Mudie.

[260] *A Letter from Thomas Fullerton, Brother to the Laird of Kinnaber, to John Johnstone, Drugist, in Edinburgh, dated the 9 of March, 1685, from East Jersey.*

Loving Commorad,—Your Brother and I did write to you about three Moneths agoe, wherein we told you, that we were 9 weeks at sea, after we parted from *Killebegs*, in *Ireland*; we were all very well at Sea only we had more Stomachs than meat; to prevent which, if you or any other Commorad come this way, it will be prudence to fortifie themselves with good Cheese, Butter, Bisket, Cakes and Brandie; I believe you are cloyed with descriptions of the Countrey:

And therefore this in brief, the reports you hear of it are generally true, some of it may be are *Hyperbolick* in magnifying its Goodness, but as many are detractive from what it really deserves. There is abundance of good Land for the improving; abundance of Swine and Cattle for the raising; Deers for killing; houses for the building; But some expect all [261] these without pains. Your brother and I and our Servants, have had good Venison broth once a day all this winter; to be short, if a man please to live a Countrey Life to labour Land, plant Orchards, and such like; I believe he cannot come to a place that will better answer his expectations, and when he hath a minde to be merry he will get a Punch-house, and very good follows. I hope in a little time I shall want nothing but the company of the prettie Girls, to all whom, who retain any remembrance of me, Let my services be remembered, and to all friends. I long exceedingly to hear from you, but more to see you: we had many difficulties at our entrance, and in our first endeavours, But when you come, I hope they shall be prevented by

Your affectionate Commorad

Thomas Fullerton.

[262] *A Letter from James Johnstoun of Spotswood, to Alexander Henderson writer in Edinburgh, dated the 9 of March, 1684, from his Plantation at the Blew Hills in East Jersey in America.*

Kind Commorad, These are to present my best wishes to you, and all acquaintances, if any enjoyment could make up the want of your Company, I should not complain here; what else can contribute to profite or pleasure, being here to be had; neither is there anything here to discourage us, *Quakers* are not numerous: Wolves are so far from troubling men, that if a man should lay a Glove upon a Carcass or their prey, they will yell, but not come nigh it. You cannot come nigh a rattle-Snake, but they will rattle with their taile, whereby a man is advertised either to kill them, or go by them; they frequently charm Squirrels, or other little Beasts off the tops of the

Trees unto their mouth, and that without touching them with their teeth; which if they did, they would [263] poison themselves. There is a Flee by the Salt Marshes most troublesome in Summer, but it is not in the *up-lands*. I am mightily well satisfied with my coming over, neither do I think I could live again in *Scotland*. In the Summer there is plenty of Fruits, Peaches, Walnuts, Chestnuts, Strawberries, and another berry like Currants; Vines as good as any where. I and all who have come over, have kept our health very well; our food hath for the most part been Venison we got from the *Indians*, which I like exceeding well. The *Indian* Corn, *Indian* Beans, and Pease, are pleasant Grains: we have very good fishing. Present my service to all Friends, and believe me to be ever Sir,

Your obliged Servant,

James Johnstoun.

Sir, I nothing question but by the perusall of the above written Letters, you are abundantly satisfied, that *East Jersey* as to all things necessary will accommodate our present design. But if some (*Malevolent Persons*) who because [264] they have not the courage nor resolution to adventure upon such an undertaking themselves, do cavill at the design in others, may insinuate that the greatest part of these Letters being written by Gentlemen, it may be presumed, interest may oblige them to represent things otherwise than they are, to the advantage of the place. This is easily answered, that there are severall persons in this Town, who have perused all their Letters, and declare they find nothing contained therein, that they can contradict. But as for a further proof thereof, I have thought fit to conclude with a letter from a Mason, sent over as a Servant, by Captain *Hamilton*; he being a plain Countreyman, it is not very probable he can have any design. I had the Letters from his said Master, as followeth:

[265] *A Letter from James [John?] Cockburn Mason, Servitor in East Jersey in America, to Captain Hamiltoun, at the Ship tavern in Edinburgh, dated the 12 of March 1685, to his Uncle James Brown, Shoe Maker in Kelso.*

Uncle these few Lines do testifie that I am well and in good health blessed be God for it, desiring to hear the like from you, for I am

very well in this land of *America*. We lake neither wild nor tame to eat: the most part of our drink is *Rumm*, *Cyder*, and Beer; such as have these to sell, drives a very good Trade. I am working at my work daily, in good weather, and have very good encouragement among the old Planters. If my Sister *Katharin* inclines to come over, she may have good service here, and *Francie* also; it is better to be bound some few years, than come free, except they have a good stock; it is dear living here the first year or two, The *Indians* are a harmless People and very kind to us; they are not a hairie People as was said to us in *Scotland*. A Shoemaker would live very well here, if he bring any store of Leather with him; the Shoes are five or six shillings a pair: there is nothing discourages us more than want of Ministers [266] here, but now they have agreed about their Stipends; there is one to be placed in *New Perth*, *Piscattaway*, *Woodbridge*, and *Elizabeth Town*; they have a mind to bring them from *Scotland*. Uncle I hope you will let me know of your welfare, and how the Town is repaired again, and so I rest your *Nephew* until death

John Cockburn.

Another from the same hand to George Fae Mason in Kelso, from New Perth in America the 20 of March 1685.

Cusin, These are to show you that I am in good health, blessed be God for it, wishing to hear the like from you. We had a long Voyage, but we came very well to our Harbour in this place of *America*, within a stone cast of my Masters Lott: it is upon the very Harbour. This Town is scituate betwixt two great Rivers, the one called *Rariton*, the other *Hudsons*. It is a very pleasant Countrey and good for all Tradsmen; you was angry with me for coming away, but I repent nothing of it myself, for I have abundance of employment. I am at the building of a great Stone house in *New Perth*, with another *Scotsman*. They build most with [267] Timber, but are beginning to build with stone: there is a good stone in this Countrey as in *Scotland*, if they were at the pains to find it out: there are not many of our Trade in the Province. Any who hath a mind to

come here will get good wages; these who have a mind to come here will do far better than in *Scotland*. I have no desire to my *Native Countrey* than I had never been in it; they had better be bound some years with a good Master, that come over free, for it is dear living at first here. The Natives of this land are a harmless People, they do wrong to no man; they are very kind to us; tell my sister if she pleases to come over, she may have good service here: Remember me to all Friends, and Comorads in *Kelso*, and so I rest your *Cusin*, while I live,

John Cockburn.

A Brief ADVERTISEMENT Concerning East New Jersey,
in AMERICA.

THAT whereas it hath upon solid grounds been by very Judicious Men, judged as well the advantage of the Nation in generall, as of the particular Undertakers, to have an interest in some [268] of the *America* Plantations: and that in order to the Promoting this Design, There went in *July* last 1684 a Vessel from *Leith*, with 160 *Passengers*, or thereby, another from *Montrose* with 130, to *East Jersey*, in which two Vessels were some Gentlemen and Merchants of very good Repute; the account of their safe Arrivall in eight weeks after their parting from *Aberdeen*, and their several opinions of that Countrey, all agreeing anent the Fertility, pleasantness, and Wholesomness thereof, as being stored with all things necessary for the comfortable Accommodation and Life of Man, being compared with former Relations of that Countrey, and both confirmed as Truth, by several Gentlemen Merchants at present in *Edinburgh*, who have been there: The consideration of this, as of the reasonable constitution of the Government, the Model whereof hath been fully perused and found satisfactory, hath engaged many to pitch upon this Province of *East New Jersey*, as the most proper seat for a Collony of this Nation: The same being a Climat agreeable to our Constitutions, [269] and a place fit for Trade, and of great Security, being as it were, the Centre of the English Plantations, and a place affording in plenty, all desirable Accommodations.

And seeing the Approbation of those in Authority is absolutlie requisit, for countenancing and encouraging such a Design, without which, it cannot be expected that any such Attempt can be made effectual; Mr. *George Scot* of *Pitlochie*, resolving to settle his Family in that place, hath procured the following Passe.

By the Right Honourable Earl
of *Perth* Lord High
Chancellor of
Scotland, &c.

These are Permitting and allowing Mr. *George Scot* of *Pitlochie*, with his Lady, Children, and Family; and such other Persons as he shall ingage, to pass from this Kingdom, either by Sea or Land, to any of His *Majesties* Forraign Plantations, providing such persons to be transported by him, be not declared Traitors, Rebels, Fugitives; and that without any Let Impediment, or [270] Molestation, from any person whatsoever: they alwayes behaving themselves peaceably and according to Law. Given at *Edinburgh* the first of *January* 1685.

For all Magistrates, Officers, and Souldiers, within the Kingdom of *Scotland*, whom these do or may concern.

PERTH, Cancell.

By the perusall of the foresaid Passe it will appear that such who intend to be concerned with the said Mr. *George Scot*, in prosecuting this Design, are hereby included as well as himself, they being qualified according to the contents hereof.

And for his further encouragement, the Lords of His *Majesties* Privy Council have been pleased by an Act, to condescend That such as are under Bond, to appear before them when called, shall have up their respective Bonds, upon their going with him; Whereby they are secured from the Apprehension of any Process to be in their absence, intended against them upon that head,

Whereas there are several people in this Kingdom, who upon account of their not going [271] that length in conformity required of them by the Law, do live very uneasie; Who beside the other agreeable Accommodations of that place many there freely enjoy their own principles, without hazard or the least trouble: seeing there are Ministers of their own persuasion going along with the said Mr.

George Scot ; who by the fundamental Constitutions of that Countrey, are allowed the free Exercise of their Ministry, such as *Mr. Archibald Riddle* brother to *Sir John Riddle of Riddle*, *Mr. Thomas Pater-son* late Minister of *Borthwick*, and several other Ministers ; It is hereby signified to all who desire this Voyage, That the *Henry* and *Francis* of *Newcastle*, a Ship of 350 Tun, and 20 great Guns, *Richard Hutton* Master, is freighted for the Transporation of these Families, and will take in Passengers and Goods at *Lieth*, and Passengers at *Montrose*, and *Aberdeen*, and *Kirkwa* in *Orkney*, and set sail thence for *East-New-Jersey*, against the 20 day of *July*, God willing. It being resolved by these concerned in the freight of the Vessel, to Accommodate such Passengers as may conveniently [be] done, without crouding themselves, and their Families ; the inconveniencies of which they are fully resolved to avoid, as what is [272] certainly very troublesome in such a Voyage. Such therefore who desire to go Passengers in this Vessel, may apply in time, between [this] and the 12. of *May*, to *Mr. George Scot* of *Pitlochie*, at his Lodging in *Baillie Robisons land*, and at *John Johnstoun*, Drugist at the sign of the *Unicorn* in *Edinburgh*, to *Mr. John Gordon* of *Colin-ston* Doctor of Physick, at his Lodging in *Montrose* : to *James Armour*, younger, Merchant in *Glasgow* : To *Hugh Broun*, or *James Nisbet*, Merchant in *Irvine* : To *Baillie Boyd* in *Kilmarnock* ; To *Bailly McKeuen* ; or *Ralph Holland* Merchant in *Air* : To *Bailly Burt* in *Stirling* : To *Bailly James Gordon* in *Kirkcudbright* : *William Corbet* Apothecary in *Dumfries* : *Henry Elphingston* Collector of his Majesties *Customes* in *Aberdeen* : whereby they may have their passage secured upon Reasonable Conditions in the said Vessel ; And accompts of the Propositions to be made to them, in Order to the promoting effectually of that design ; seeingafter the number condescended upon, as to be carried without Croud in the said Ship, there will be no more admitted there : and so such as incline to go the Voyage, may lose their passage in the said Vessel, delaying to secure their place in time.

FINIS.



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*.*The orthography of the same names varies materially in the different works and documents referred to in the foregoing pages; in some cases the variation being so great as to lead to the supposition that different individuals are alluded to. As examples, *Lawrence Andross* is sometimes called "Andros" or "Andruss," and "Anderson;"—in the "Grants and Concessions" the name of the member of Assembly from Newark is given as *Samuel Swarne*, but in the Town Records he is called "Swain," which is correct;—*Bowne* and "Bound" are frequently confounded; and other instances might be given. The author has endeavored to observe uniformity in every instance, and adopted what appeared to be the proper orthography.

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